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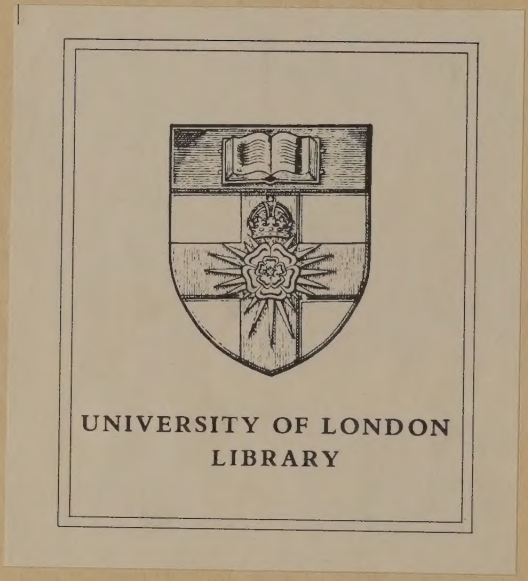

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B I L L S,

PUBLIC:

SIX VOLUMES.

—*(5.)*—

LOCOMOTIVES ON HIGHWAYS

TO

PLUMBERS' REGISTRATION.

SESSION 1.—5 *February* 1895——6 *July* 1895.
SESSION 2.—12 *August* 1895——5 *September* 1895.

VOL. V.

1895.

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1895.

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A

B I L L

TO

Amend the Law with respect to the Use of Locomotives on Highways. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Exemption of light locomotives from certain statutory provisions.

1. The enactments mentioned in the schedule to this Act, and any other enactment restricting the use of locomotives on highways and contained in any public general or local and personal Act in force at the passing of this Act, shall not apply to any vehicle propelled by mechanical power, if it is under two tons in weight, and is not used for the purpose of drawing any other vehicle.

Provided as follows :—

(*a.*) Nothing in this section shall affect any power for the general regulation of traffic on highways ;

(*b.*) In England the power to make byelaws under section twenty-six of the Highways and Locomotives (Amendment) Act, 1878, shall include power to make byelaws as to the width and character of the wheels of such vehicles as aforesaid in relation to their weight, and for this purpose the said section shall apply to London ; and 41 & 42 Vict. c. 77.

(*c.*) In Ireland the power to make byelaws under section six of the Public Health (Ireland) Amendment Act, 1879, for regulating the use of locomotives shall include power to make byelaws as to the width and character of the wheels of such vehicles as aforesaid in relation to their weight. 42 & 43 Vict. c. 57.

Short title.

2. This Act may be cited as the Locomotives Act, 1895.

[Bill 315.]

A.D. 1895.

SCHEDULE.

ENACTMENTS WHICH ARE NOT TO APPLY TO LIGHT LOCOMOTIVES.

The Locomotives Act, 1861 (24 & 25 Vict. c. 70.).

Section forty-one of the Thames Embankment Act, 1862 (25 & 26 Vict. c. 93.).

The Locomotives Act, 1865 (28 & 29 Vict. c. 83.).

The Locomotives Amendment (Scotland) Act, 1878 (41 & 42 Vict. c. 58.).

The Highways and Locomotives (Amendment) Act, 1878 (41 & 42 Vict. c. 77.).

So much of section six of the Public Health (Ireland) Amendment Act, 1879 (42 & 43 Vict c. 57.) as relates to the hours during which locomotives are not to pass over roads or highways.

Locomotives on Highways.

A

B I L L

To amend the Law with respect to the Use of Locomotives on Highways.

(*Prepared and brought in by Mr. Shaw Lefevre, Mr. Arnold Morley, and Sir John Hibbert.*)

Ordered, by The House of Commons, *to be Printed*, 17 *June* 1895.

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[*Price* ½*d.*]

[Bill 315.]

A

B I L L

TO

Amend and extend the Franchise of Lodgers. A.D. 1895.

WHEREAS it is expedient to amend the law relating to the lodger franchise:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Lodger Franchise Act, 1895. Short title.

2. The enactments specified in the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned. Repeals.

A.D. 1895.

SCHEDULE.

Session and Chapter.	Short Title.	Extent of Repeal.
30 & 31 Vict. c. 102.	The Representation of the People Act, 1867.	In sub-section two of section four, the words "separately and as sole tenant," and the words "and of a clear yearly "value if let unfurnished of ten pounds "or upwards."
31 & 32 Vict. c. 48.	The Representation of the People (Scotland) Act, 1868.	In sub-section two of section four, the words "separately and as sole tenant," and the words "of a clear yearly value "if let unfurnished of ten pounds or "upwards."
31 & 32 Vict. c. 49.	The Representation of the People (Ireland) Act, 1868.	In sub-section two of section four, the words "separately and as sole tenant," and the words "and of a clear yearly "value if let unfurnished, of ten pounds "or upwards."
41 & 42 Vict. c. 26.	The Parliamentary and Municipal Registration Act, 1878.	In sub-section three of section six, the words "and the clear yearly value of "the lodgings if let unfurnished is of "an amount which when divided by "the number of the lodgers gives a "sum of not less than ten pounds for "each lodger, then," and the words "provided that not more than two "persons being such joint lodgers "shall be entitled to be registered in "respect of such lodgings."
48 Vict. c. 16.	The Registration Amendment (Scotland) Act, 1885.	In section thirteen, the words "and the "clear yearly value of the lodgings if "let unfurnished is of an amount "which when divided by the number "of the lodgers gives a sum of not "less than ten pounds for each lodger, "then," and the words "provided "that not more than two persons "being such joint lodgers shall be "entitled to be registered in respect of such lodgings."

Lodger Franchise.

A

B I L L

To amend and extend the Franchise of Lodgers.

(*Prepared and brought in by Mr. Paul, Mr. Haldane, Mr. McCarthy, Mr. Cobb, and Mr. Lloyd Morgan.*)

Ordered, by The House of Commons, *to be Printed*, 8 *February* 1895.

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[Bill 29.]

A

B I L L

TO

Confirm a Provisional Order made by One of Her Majesty's Principal Secretaries of State for modifying the London (Boundary Street, Bethnal Green) Improvement Scheme, 1890. A.D. 1895.

WHEREAS the Right Honourable Herbert Henry Asquith, one of Her Majesty's Principal Secretaries of State, has, on the application of the London County Council, made the Provisional Order set forth in the First Schedule hereunto annexed, under the provisions of Part I. of the Housing of the Working Classes Act, 1890, for modifying the London (Boundary Street, Bethnal Green) Improvement Scheme, 1890, authorised by the London (Boundary Street, Bethnal Green) Provisional Order Confirmation Act, 1891 : 53 & 54 Vict. c. 70. 54 & 55 Vict. ch. lx.

And whereas it is requisite that the said Order should be confirmed by Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. The Order set out in the schedule to this Act is hereby confirmed. Order in schedule confirmed.

2. This Act may be cited as the London (Boundary Street, Bethnal Green) Provisional Order Confirmation Act, 1895. Short title.

[Bill 138.]

A.D. 1895.

SCHEDULE.

PROVISIONAL ORDER MODIFYING THE LONDON (BOUNDARY STREET, BETHNAL GREEN) IMPROVEMENT SCHEME, 1890.

Whereas by the London (Boundary Street Bethnal Green) Provisional Order Confirmation Act 1891 confirmation was given to a Provisional Order dated the 11th day of May 1891 set out in the Schedule thereunto annexed which Order subject to certain conditions and modifications therein stated confirmed and authorised to be carried into execution a Scheme made by the County Council of the Administrative County of London (hereinafter referred to as the Council) under the provisions of Part I. of the Housing of the Working Classes Act 1890 for the improvement of a certain area situate partly in the Parish of St. Matthew Bethnal Green and partly in the Parish of St. Leonard Shoreditch in the County of London And whereas by an Order dated the 25th day of November 1893 under the hand of the Right Honourable Herbert Henry Asquith one of Her Majesty's Principal Secretaries of State permission was given to the said Council to modify the said Scheme in certain particulars And whereas the Council have proved to my satisfaction that an improvement can be made in the details of the said Scheme as so confirmed and modified as aforesaid in the particulars specified in the Schedule hereto Now in pursuance and in exercise of the powers vested in me the Right Honourable Herbert Henry Asquith as one of Her Majesty's Principal Secretaries of State under the Housing of the Working Classes Act 1890 I hereby permit the Council to modify the said Scheme in the details specified in the Schedule hereto.

Dated this 18th day of December 1894.

H. H. ASQUITH,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

SCHEDULE to the foregoing Provisional Order.

Particulars of the modifications in the Scheme before referred to.

Notwithstanding anything in the said Scheme as modified and confirmed by the said Provisional Order and Act of Parliament or as further modified by the Order of the 25th November 1893 to the contrary the Council may purchase or acquire compulsorily the three houses and premises known as Nos. 116 and 115 High Street Shoreditch and No. 1 Calvert Street shown on the plan hereinafter

referred to and thereon coloured blue and brown and remove the buildings thereon and so much of the site thereof as is coloured brown shall when so acquired and cleared of buildings be thrown into and form part of the new street in the line of Calvert Street to Shoreditch High Street as shown by a dark red line on the said plan and the residue of such site coloured blue upon the said plan may be sold let or otherwise disposed of by the Council in the same manner as the lands coloured blue on the plan attached to the said Order of the 25th November 1893 freed from the restrictions imposed by the said Scheme as to the rehousing of persons of the working class.

The plan hereinbefore referred to is marked No. 25** and is the plan so numbered and sealed with the Official Seal of this office and here deposited. A duplicate of such plan shall be deposited in the offices of the Council within ten days of the date of this Order.

London (Boundary Street, Bethnal Green) Provisional Order.

A

B I L L

To confirm a Provisional Order made by One of Her Majesty's Principal Secretaries of State for modifying the London (Boundary Street, Bethnal Green) Improvement Scheme, 1890.

(Prepared and brought in by Mr. George Russell and Mr. Secretary Asquith.)

Ordered, by The House of Commons, *to be Printed,* 22 *February* 1895.

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[Bill 138.]

A

B I L L

TO

Authorise the London County Council to raise and expend Money on Capital Account in connexion with the acquisition of Waterworks. A.D. 1895.

WHEREAS the London County Council (herein-after referred to as "the Council") are applying to Parliament for powers under which the undertakings of the companies supplying water in the county of London and the neighbourhood, or some of such undertakings, may be acquired by the Council, and it is expedient that provision should be made as herein-after set forth with respect to raising or providing the money required for the purposes of such acquisition:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provision of moneys for acquisition of water undertakings.

1. If the undertaking of any water company or any part of any such undertaking be acquired by the Council under the authority of any Act of Parliament, the Council may expend on capital account for the purposes of such acquisition such money as they may from time to time require to expend for those purposes, and in order to raise or provide the money required for those purposes or for other purposes in connexion therewith for which they may be authorised to expend money on capital account, the Council may from time to time create and issue consolidated stock or resort to the Consolidated Loans Fund or otherwise raise money in accordance in each case with the provisions of the Acts for the time in force regulating the raising of money for capital purposes by the Council.

The Council shall make provision for the redemption of any stock created or the repayment of any money borrowed or expended on capital account for the purposes of this Act within a period of not exceeding *one hundred years* from the date of the expenditure of

A.D. 1895.

such money, and otherwise in accordance with the provisions in relation to redemption and repayment of the Acts relating to the raising and expenditure of money by the Council on capital account.

Short title.

2. This Act may be cited as the London Waterworks Transfer (Money) Act, 1895.

London Waterworks Transfer (Money).

A

B I L L

To authorise the London County Council to raise and expend Money on Capital Account in connexion with the acquisition of Waterworks.

(*Prepared and brought in by Mr. James Stuart and Mr. Benn.*)

Ordered, by The House of Commons, *to be Printed,* 13 *May* 1895.

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[Bill 244.]

A

B I L L

TO

Extend and amend the provisions of the Agricultural Holdings (England) Act, 1883, so far as they relate to Market Gardens. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may be cited as the Market Gardeners' Compensation Act, 1895, and shall be read and construed as part of the Agricultural Holdings (England) Act, 1883, herein-after called the principal Act.

Commencement of Act.

2. This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-six*, which date is herein-after referred to as the commencement of this Act.

Amendment and extension of 46 & 47 Vict. c. 61. as to improvements executed in or upon market gardens.

3. Where after the commencement of this Act a holding is by the instrument creating the tenancy expressed to be let as or for a market garden, the following provisions shall have effect:—

(1.) The provisions of section thirty-four of the principal Act shall extend to every fixture or building affixed or erected by the tenant to or upon such holding for the purposes of his trade or business of a market gardener.

(2.) The improvements numbered (1) "erection or enlargement of buildings," (6) "making of gardens," and (11) "planting of orchards or fruit bushes," in Part I. of the First Schedule to the principal Act shall, as far as regards such holding, cease to be comprised in the said schedule.

(3.) The following improvements shall as far as regards such holding be deemed to be comprised in Part III. of the said schedule:—

(i.) Planting of standard or other fruit trees permanently set out;

A.D. 1895.

(ii.) Planting of fruit bushes permanently set out;

(iii.) Planting of strawberry plants;

(iv.) Planting of asparagus;

(v.) Erection or enlargement of buildings for the purposes of the trade or business of a market gardener.

(4.) Section fifty-six of the principal Act shall be read and construed as if the words "with the consent in writing of his landlord" were not included therein.

(5.) It shall be lawful for the tenant to remove all fruit trees and fruit bushes planted by him on the holding and not permanently set out; but if the tenant shall not remove such fruit trees and fruit bushes before the termination of his tenancy, such fruit trees and fruit bushes shall remain the property of the landlord, and the tenant shall not be entitled to any compensation in respect thereof.

Application to current tenancies.

4. Where, under a contract of tenancy current at the commencement of this Act, a holding is at that date in use or cultivation as a market garden with the knowledge of the landlord, and the tenant thereof has executed or shall execute thereon any of the improvements in respect of which a right of compensation or removal is given to a tenant by this Act, without having received any written notice of dissent by the landlord, then the provisions of this Act shall apply in respect of such holding as if the same had been after the commencement of this Act expressed to be let as or for a market garden.

As to Crown lands and lands belonging to the Duchies of Lancaster and Cornwall.

5. Any compensation payable under this Act shall as regards land belonging to Her Majesty the Queen, Her heirs and successors, in right of the Crown or in right of the Duchy of Lancaster, and as regards land belonging to the Duchy of Cornwall, be paid in the same manner and out of the same funds respectively as if it were payable in respect of an improvement mentioned in the first part of the First Schedule to the principal Act, except that as regards land belonging to Her Majesty the Queen, Her heirs and successors, in right of the Crown, compensation for planting strawberry plants and asparagus shall be paid in the same manner and out of the same funds as if it were payable in respect of an improvement mentioned in the third part of the said schedule.

Interpretation.

6. For the purposes of the principal Act and of this Act the expression "market gardener" shall mean a tenant who, as a trade

or business, cultivates a holding or part of a holding exclusively for the production of vegetables or fruit for sale, and the expression "market garden" shall mean a holding or that part of a holding which is cultivated by a market gardener exclusively for the purposes of his trade or business. A.D. 1895.

Market Gardeners' Compensation.

A

B I L L

To extend and amend the provisions of the Agricultural Holdings (England) Act, 1883, so far as they relate to Market Gardens.

(*Prepared and brought in by Colonel Long, Mr. Jesse Collings, Sir Frederick Dixon-Hartland, Sir Thomas Esmonde, and Sir Albert Rollit.*)

Ordered, by The House of Commons, *to be Printed,* 8 *February* 1895.

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[Bill 54.]

A

B I L L

[AS AMENDED BY THE STANDING COMMITTEE ON TRADE, &c.]

TO

Extend and amend the provisions of the Agricultural Holdings (England) Act, 1883, so far as they relate to Market Gardens. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may be cited as the Market Gardeners' Compensation Act, 1895, and shall be read and construed as part of the Agricultural Holdings (England) Act, 1883, herein-after called the principal Act.

Commencement of Act.

2. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-six, which date is herein-after referred to as the commencement of this Act.

Amendment and extension of 46 & 47 Vict. c. 61. as to improvements executed in or upon market gardens.

3. Where after the commencement of this Act it is agreed in writing that a holding shall be let or treated as a market garden, the following provisions shall have effect:—

(1.) The provisions of section thirty-four of the principal Act shall extend to every fixture or building affixed or erected by the tenant to or upon such holding for the purposes of his trade or business of a market gardener.

(2.) The improvements numbered (1) "erection or enlargement of buildings," (6) "making of gardens," and (11) "planting of orchards or fruit bushes," in Part I. of the First Schedule to the principal Act shall, as far as regards such holding, cease to be comprised in the said schedule.

(3.) The following improvements shall as far as regards such holding be deemed to be comprised in Part III. of the said schedule:—

(i.) Planting of standard or other fruit trees permanently set out;

A.D. 1895.

(ii.) Planting of fruit bushes permanently set out ;

(iii.) Planting of strawberry plants ;

(iv.) Planting of asparagus and other vegetable crops ;

(v.) Erection or enlargement of buildings for the purposes of the trade or business of a market gardener.

(4.) Section fifty-six of the principal Act shall be read and construed as if the words "with the consent in writing of his landlord" were not included therein.

(5.) It shall be lawful for the tenant to remove all fruit trees and fruit bushes planted by him on the holding and not permanently set out; but if the tenant shall not remove such fruit trees and fruit bushes before the termination of his tenancy, such fruit trees and fruit bushes shall remain the property of the landlord, and the tenant shall not be entitled to any compensation in respect thereof.

Application to current tenancies.

4. Where, under a contract of tenancy current at the commencement of this Act, a holding is at that date in use or cultivation as a market garden with the knowledge of the landlord, and the tenant thereof then executed thereon without having received previously to the execution thereof any written notice of dissent by the landlord, or shall thereafter execute any of the improvements in respect of which a right of compensation or removal is given to a tenant by this Act, then the provisions of this Act shall apply in respect of such holding as if it had been agreed in writing after the commencement of this Act that the holding should be let or treated as a market garden.

As to Crown lands and lands belonging to the Duchies of Lancaster and Cornwall.

5. Any compensation payable under this Act shall as regards land belonging to Her Majesty the Queen, Her heirs and successors, in right of the Crown or in right of the Duchy of Lancaster, and as regards land belonging to the Duchy of Cornwall, be paid in the same manner and out of the same funds respectively as if it were payable in respect of an improvement mentioned in the first part of the First Schedule to the principal Act, except that as regards land belonging to Her Majesty the Queen, Her heirs and successors, in right of the Crown, compensation for planting strawberry plants and asparagus and other vegetable crops shall be paid in the same manner and out of the same funds as if it were payable in respect of an improvement mentioned in the third part of the said schedule.

A.D. 1895.

Interpretation.

6. For the purposes of the principal Act and of this Act the expression "market garden" shall mean a holding or that part of a holding which is cultivated wholly or mainly for the purpose of the trade or business of market gardening.

Market Gardeners' Compensation.

A

B I L L

[AS AMENDED BY THE STANDING COMMITTEE ON TRADE, &c.].

To extend and amend the provisions of the Agricultural Holdings (England) Act, 1883, so far as they relate to Market Gardens.

(*Prepared and brought in by Colonel Long, Mr. Jesse Collings, Sir Frederick Dixon-Hartland, Sir Thomas Esmonde, and Sir Albert Rollit.*)

Ordered, by The House of Commons, *to be Printed,* 25 *March* 1895.

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90, West Nile Street, Glasgow; or
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[*Price* ½*d.*]

[Bill 179.]

A

B I L L

TO

Extend the provisions of the Agricultural Holdings (England) Act, 1883, so far as they relate to Market Gardens. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may be cited as the Market Gardeners Compensation Act, 1895, and shall be read and construed as part of the Agricultural Holdings (England) Act, 1883, herein-after called the principal Act.

Commencement of Act.

2. This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-six*, which date is herein-after referred to as the commencement of this Act.

Extension of section 34 of 46 & 47 Vict. c. 61.

3. From and after the commencement of this Act the provisions contained in section thirty-four of the principal Act shall extend to every fixture or building affixed or erected either before or after the commencement of this Act by a tenant for the purposes of his trade or business of a market gardener upon or in or to a market garden.

Amendment and extension of First Schedule to 46 & 47 Vict. c. 61.

4. From and after the commencement of this Act the following improvements comprised in Parts I. and II. of the First Schedule to the principal Act, that is to say,—

(1) erection or enlargement of buildings (6) making of gardens (11) planting of orchards or fruit bushes and (15) drainage

shall, as far as regards market gardens, cease to be comprised in the said schedule; and the following improvements shall be comprised in Part III. of the said schedule, that is to say:—

(i.) Planting of standard or other fruit trees,
(ii.) Planting of fruit bushes,
(iii.) Planting of strawberry plants,

A.D. 1895.

(iv.) Planting of asparagus,

(v.) Erection or enlargement of buildings for the purposes of his trade or business of a market gardener,

(vi.) Drainage.

Temporary provision in reference to fruit trees, &c. planted prior to commencement of Act.

5. If a tenant of a market garden shall have planted standard or other fruit trees or fruit bushes, or strawberry plants, or asparagus, without the consent of the landlord prior to the commencement of this Act, and shall within *six* months after its commencement give notice in writing to the landlord or his agent that he has planted such trees, bushes, strawberry plants, or asparagus, he shall be entitled to compensation for the same under the principal Act.

Amendment of section 1 of 46 & 47 Vict. c. 61.

6. So far as regards market gardens, section one of the principal Act shall be read and construed as if the words "on quitting his holding" and the words from "Provided always" to the end of the said section were not included therein.

Amendment of section 56 of 46 & 47 Vict. c. 61.

7. So far as relates to the improvements mentioned in the fourth section of this Act, section fifty-six of the principal Act shall be read and construed as if the words "with the consent in writing of his landlord" were not included therein.

Compensation for disturbance.

8. Where a tenancy of a market garden is determined by a change in the ownership of the holding, or by the insolvency of the landlord, or by capricious or unreasonable disturbance in his holding by the act of the landlord, the tenant shall be entitled on quitting his holding to obtain from the landlord in addition to any compensation due to him under this Act, further compensation in respect of the loss sustained by reason of quitting his holding, and the amount of such compensation, if the parties do not agree, shall be determined by a reference under the principal Act, and shall be separately specified in the award, and shall be recoverable under the provisions of the principal Act.

Transfer of market garden holdings.

9. A tenant under this Act may agree to sell his improvements for a sum specified in such agreement to any one person being a suitable tenant and having sufficient means to cultivate the holding, and such person shall be admitted as tenant of the holding at the rent payable by the outgoing tenant, and under the conditions, agreements, or covenants by which the outgoing tenant was bound at the date of such agreement, unless the landlord shall within *two* months from the date of such agreement give notice in writing to the tenant that he elects to resume the holding and

himself to pay to the tenant compensation for his improvements under the provisions of this Act. A.D. 1895.

Provided that on signing any such agreement the tenant shall forthwith send a copy thereof to the landlord.

Power for tenant to remove fruit trees and bushes before end of tenancy.

10. It shall be lawful for the tenant of a market garden to remove all fruit trees and bushes planted by him on the holding either before or after the commencement of this Act, and not permanently set out; but if the tenant shall not remove such fruit trees and bushes previously to the termination of his tenancy, such trees and bushes shall remain the property of the landlord, and the tenant shall not be entitled to any compensation in respect thereof.

Act to apply to current as well as future tenancies.

11. The provisions contained in this Act shall apply to every market garden, whether the same be held under a contract of tenancy current at the commencement of this Act or beginning after that date.

As to Crow lands and lands belonging to the Duchies of Lancaster and Cornwall.

12. Any compensation payable under this Act shall, as regards land belonging to Her Majesty the Queen, Her heirs and successors, in right of the Crown or in right of the Duchy of Lancaster, and as regards land belonging to the Duchy of Cornwall, be paid in the same manner and out of the same funds respectively as if it were payable in respect of an improvement mentioned in the first part of the First Schedule to the principal Act, except that as regards land belonging to Her Majesty the Queen, Her heirs and successors, in right of the Crown, compensation for planting strawberry plants and asparagus shall be paid in the same manner and out of the same fund as if it were payable in respect of an improvement mentioned in the Third Part of the said schedule.

Definition of market garden.

13. For the purposes of the principal Act and of this Act, the expression "market garden" shall mean a holding let and cultivated as a garden or orchard exclusively or mainly for the sale of the produce thereof.

Market Gardeners Compensation (No. 2).

A

B I L L

To extend the provisions of the Agricultural Holdings (England) Act, 1883, so far as they relate to Market Gardens.

(*Prepared and brought in by Mr. Channing, Mr. Lambert, Mr. Billson, and Mr. Cobb.*)

Ordered, by The House of Commons, *to be Printed*, 8 *February* 1895.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 82.]

A

B I L L

TO

Amend the Law relating to Marriage with a Deceased Wife's Sister. A.D. 1895.

WHEREAS it is expedient to amend the law as to marriage with a deceased wife's sister:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Marriage between a man and his deceased wife's sister not to be deemed void.

1. No marriage heretofore contracted within the realm or without, and no marriage hereafter contracted in England or Ireland in the office of any registrar, or in any building duly registered at which the presence of a registrar is necessary, or in Scotland or elsewhere, shall be deemed to have been or shall be void or voidable by reason only of having been or being contracted between a man and his deceased wife's sister, notwithstanding any statute, canonical or other objection, unless it has been already annulled by some court of competent jurisdiction, or shall be so annulled in a suit already instituted, or unless either party thereto has (after the marriage and during the life of the other) already lawfully married another; and such evidence as would be proof of any other marriage shall be received for all purposes as evidence of such marriages respectively; but no right, title, estate or interest now existing in, to, or in respect of any dignity, title of honour, or property, and no claim by the Crown for duties already due and payable shall be prejudicially affected hereby.

Except as herein provided.

Existing rights not to be affected.

Short title.

2. This Act may be cited as the Deceased Wife's Sister Act, 1895.

Marriage with a Deceased Wife's Sister.

A

B I L L

To amend the Law relating to Marriage with a Deceased Wife's Sister.

(*Prepared and brought in by Mr. Fell Pease, Mr. Arch, Mr. Albert Bright, Mr. Rees-Davies, Sir Frederick Seager-Hunt, Mr. Labouchere, Mr. T. W. Russell, Mr. Joseph Pease, Sir George Chesney, Mr. Villiers, and Mr. Colman.*)

Ordered, by The House of Commons, *to be Printed*, 8 *February* 1895.

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[*Price* ½*d.*]

[Bill 8.]

Married Persons' Small Industrial Income Tax Relief Bill.

MEMORANDUM.

In the Finance Act of 1894, clause 34, sub-section 2, when the joint income of a husband and wife charged to the income tax does not exceed 500*l.*, and where such total income includes profits of the wife derived from any profession, employment, or vocation chargeable under Schedule D., or from any office or employment of profit chargeable under Schedule E., the joint income is considered as two incomes in allowing the relief or abatement for income tax. The Board of Inland Revenue, however, decide that under the Act of 1842 this only applies to certain employments of women, and they refuse the allowance if a woman is in trade; thus, though a typewriter or schoolmistress gets the benefit, her sister, who may be a milliner or dressmaker, does not get the benefit.

The object of this Bill is to give the benefit to all married women who are earning a living in any way, but the Bill would not give it to them if their income was derived from investments.

A

B I L L

TO

Extend relief in Income Tax to Married Persons with small Industrial Incomes, however earned, which do not exceed Five hundred pounds a year. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act shall be cited as the Married Persons' Small Industrial Income Tax Relief Act, 1895.

Married persons' incomes, however earned, to have relief as separate incomes.

2. The Commissioners of Inland Revenue shall, in addition to the relief afforded to the joint incomes of married persons under five hundred pounds a year under section thirty-four, sub-section two, of the Finance Act, 1894, afford similar relief when the wife's income is classified under, and the income tax would be payable under, any section of Schedules D. and E. of the Income Tax Act, 1842.

Married Persons' Small Industrial Income Tax Relief.

A

B I L L

To extend relief in Income Tax to Married Persons with small Industrial Incomes, however earned, which do not exceed Five hundred pounds a year.

(*Prepared and brought in by Mr. Bartley, Mr. Hanbury, and Mr. Loder.*)

Ordered, by The House of Commons, *to be Printed*, 22 *February* 1895.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* 1*d.*]

[Bill 139.]

A

B I L L

TO

Extend the Merchandise Marks Acts, 1887 to 1894, to Foreign and Colonial Cheese. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title and construction.

1. This Act may be cited as the Merchandise Marks (Colonial and Foreign Cheese) Act, 1895, and shall be read as one with the Merchandise Marks Acts, 1887 and 1891, and with the Merchandise Marks (Prosecutions) Act, 1894.

Commencement of Act.

2. This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-six*, which date is herein-after referred to as the commencement of this Act.

Colonial and foreign cheeses to be marked.

3. On and after the commencement of this Act, every cheese imported into the United Kingdom from any colony or foreign country shall be marked conspicuously, and in a manner sufficient for the information of any purchaser, with the word "colonial" or "foreign" (as the case may require) ; and all such cheeses not so marked are hereby prohibited to be imported as if they were specified in section forty-two of the Customs Consolidation Act, 1876. 39 & 40 Vict. c. 36.

Definition.

4. In this Act the word "colony" shall include every colony or "dependency" of the United Kingdom, except the Channel Islands.

Merchandise Marks (Cheese).

A

B I L L

To extend the Merchandise Marks Acts, 1887 to 1894, to Foreign and Colonial Cheese.

(*Prepared and brought in by Sir A. Acland Hood, Sir J. Dickson Poynder, Mr. E. Strachey, Mr. C. Hobhouse, Mr. Disraeli, and Mr. Charles Hobhouse.*)

Ordered, by The House of Commons, *to be Printed*, 13 *May* 1895.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 242.]

A

B I L L

TO

Amend the Merchandise Marks Acts, 1887 and 1891, in respect of the Marking of Files. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may be cited as the Merchandise Marks (Files) Act, 1895, and shall be read as one with the Merchandise Marks Acts, 1887 and 1891.

Machine cut files to be marked.

2.—(1.) After the commencement of this Act every file cut wholly or partly by machinery, and sold or exposed for sale or used for any purpose of trade or manufacture in or imported into the United Kingdom, shall be marked legibly and in a manner reasonably sufficient for the information of any purchaser with words stamped upon the shoulder or tang of the file or upon any part of the file upon which it may be customary to place the manufacturer's mark or any other mark, and indicating that such file has been cut by machinery or partly by machinery, as the case may be.

Form of marks.

(2.) Such one of the expressions "machine cut," or "partly machine cut," as shall be a true description of the mode of manufacture of any file to which the same may be applied, shall be a sufficient mark within the meaning of the last preceding sub-section.

Application of Merchandise Marks Acts, 1887 and 1891.

(3.) The Merchandise Marks Acts, 1887 and 1891, shall apply in the case of all files cut wholly or partly by machinery, and sold or exposed or used or imported as above mentioned without such mark as in this section mentioned, as if the want of such mark were a false trade description within the meaning of those Acts: Provided always that nothing in this Act shall be taken to affect any provision in the Merchandise Marks Act, 1887, whereby a false description of the mode of manufacture is declared to be a false trade description as defined in that Act.

Definition.

3. In this Act the word "file" shall be taken to include "rasp."

Commencement of Act.

4. This Act shall come into operation *six months* after the passing thereof.

[Bill 63.]

Merchandise Marks (Files).

A

BILL

To amend the Merchandise Marks Acts, 1887 and 1891, in respect of the Marking of Files.

(*Prepared and brought in by Mr. Stuart-Wortley, Mr. Mundella, Sir E. Ashmead-Bartlett, and Mr. Fenwick.*)

Ordered, by The House of Commons, *to be Printed,* 8 *February* 1895.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 63.]

A

B I L L

TO

Amend the Merchant Shipping Acts. A.D. 1895.

WHEREAS it is expedient to amend the laws relating to merchant shipping, by making the provisions as to the carriage of animals by railway applicable to the carriage of animals by sea:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Section seven of the Railway and Canal Traffic Act, 1854, shall be and the same is hereby applied to all contracts made for the carriage of animals by sea. Extension of section 7 of Railway and Canal Traffic Act, 1854.

2. This Act may be cited as the Sea Carriers Act, 1895. Short title.

Merchant Shipping Acts Amendment (No. 2).

A

B I L L

To amend the Merchant Shipping Acts.

(*Prepared and brought in by Mr. Field, Mr. Clancy, Mr. Minch, Mr. Pinkerton, and Mr. William Johnston.*)

Ordered, by The House of Commons, *to be Printed*, 13 *February* 1895.

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[*Price* ½*d.*]

[Bill 105.]

Metropolis Management (Saint Paul, Deptford) Bill.

MEMORANDUM.

The parish of Saint Paul, Deptford, was by the Metropolis Local Management Act, 1855, united with the parishes of Greenwich and Saint Nicholas, Deptford, to form the Greenwich District.

In 1861 (six years after the passing of the above Act) Saint Paul, Deptford, had a population of 37,834, and a rateable value of 118,290*l.* In 1891 these had increased to 101,286 and 482,829*l.* Saint Paul, Deptford, now constitutes by itself the parliamentary borough of Deptford.

Greenwich has also increased, but not to the same extent. In 1861 it had a population of 40,002, and a rateable value of 134,707*l.* These were, in 1891, 57,240 and 289,716*l.* Saint Nicholas, Deptford, has been stationary, its population having been in 1861, 6,900, and in 1891, 6,887. Greenwich and Saint Nicholas, Deptford, together constitute the parliamentary borough of Greenwich.

The present Bill is brought in at the instance of the Saint Paul Deptford Vestry with the support of the Greenwich District Board of Works.

A

B I L L

TO

Amend the Metropolis Management Acts. A.D. 1895.

WHEREAS since the date of the Metropolis Management Act, 1855 (herein-after called "the principal Act"), the parish of Saint Paul, Deptford, which is now one of three parishes constituting the Greenwich District, has greatly increased in the number of inhabited houses, in population, and in rateable value, so as to entitle the said parish to a more complete control and management of its local affairs; and it is therefore expedient to amend the principal Act and make provision with reference to the said parishes as herein-after contained:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation.

1. In this Act—

"The Saint Paul Deptford Vestry" means the vestry of the parish of Saint Paul, Deptford.

"The present Greenwich District Board" means the board of works for the Greenwich District as constituted by the principal Act.

And "the Greenwich District Board" means the board of works for the Greenwich District, as it will be constituted after the *twenty-fifth day of March one thousand eight hundred and ninety-six.*

Construction.

2. The principal Act as amended by any subsequent Acts and this Act shall be construed together as one Act.

Separation of St. Paul, Deptford, from the Greenwich District.

3. From and after the *twenty-fifth day of March one thousand eight hundred and ninety-six*—

(1.) The parish of St. Paul, Deptford, shall cease to be united with the parishes mentioned in Schedule "B" of the principal Act as forming the present Greenwich District.

A.D. 1895.

(2.) The principal Act shall be read and have effect as if the said parish of Saint Paul, Deptford, had been named in Part II. of Schedule "A" of the said Act, and the vestry of the said parish shall become and be a body corporate by the name of the vestry of the parish of Saint Paul, Deptford.

(3.) The parishes named in the said Schedule "B" (other than the parish of Saint Paul, Deptford) as forming the present Greenwich District shall form the Greenwich District, and the board of works for the Greenwich District shall continue to be a body corporate by the name of the board of works for the Greenwich District.

(4.) No person elected a member of the present Greenwich District Board by the Saint Paul Deptford Vestry shall remain a member of the Greenwich District Board, and the power of the said vestry to elect any member of such district board shall cease as from that date.

Byelaws, &c., in Saint Paul, Deptford.

4. All byelaws and regulations made by the present Greenwich District Board, and subsisting on the *twenty-fifth day of March one thousand eight hundred and ninety-six*, shall continue in force in the parish of Saint Paul, Deptford, and be enforceable in that parish by the Saint Paul Deptford Vestry instead of by the present Greenwich District Board until repealed or altered by the Saint Paul Deptford Vestry in accordance with the law applicable thereto.

Property, claims, &c. of Greenwich District Board apportioned.

5. From and after the said *twenty-fifth day of March one thousand eight hundred and ninety-six*—

(1.) All hereditaments, furniture, and fittings belonging to the present Greenwich District Board situate within the parish of Saint Paul, Deptford, and all chattels belonging to the present Greenwich District Board used solely for the purposes of the parish of Saint Paul, Deptford, shall vest in and become the property of the Saint Paul Deptford Vestry.

(2.) The property then belonging to the present Greenwich District Board, and not already described in this section, shall remain and be the property of the Greenwich District Board.

(3.) All sums due by the present Greenwich District Board to the London County Council and to other creditors (not being superannuation allowances) shall in each case, with the consent in writing of the London County Council or other creditors, be apportioned between the Greenwich District Board and the Saint Paul Deptford Vestry on the basis of the vestry becoming

liable for all sums due in respect of their parish and of the Greenwich District Board remaining liable for all sums due in respect of the other parishes in the present Greenwich District; such apportionment shall be carried into effect by deed, and until such apportionment all such sums shall remain and be a debt of the present Greenwich District Board as constituted by the principal Act to the London County Council and other creditors; and any moneys payable by the said present Greenwich District Board in respect thereof shall, notwithstanding anything in this Act contained, be levied and paid until such apportionment in all respects as if this Act had not been passed.

(4.) The sums due by the present Greenwich District Board to the London County Council and other creditors and apportioned to the Greenwich District Board shall be a debt of the Greenwich District Board to the London County Council and other creditors, and the Saint Paul Deptford Vestry shall not be liable to pay the same or any part thereof, and no security therefor shall operate against the said vestry or any property of the said vestry or rates leviable in the parish of Saint Paul, Deptford.

(5.) The sums due by the present Greenwich District Board to the London County Council and other creditors and apportioned to the Saint Paul Deptford Vestry shall be a debt of the Saint Paul Deptford Vestry to the London County Council and other creditors, and the Greenwich District Board shall not be liable to pay the same or any part thereof, and no security therefor shall operate against the Greenwich District Board or any property of the said Greenwich District Board or rates leviable in any of the parishes within the Greenwich District.

(6.) The Saint Paul Deptford Vestry shall become liable to forthwith pay to the Greenwich District Board the amount of all outstanding accounts and all expenses incurred for work undertaken or done by the said board solely for or within the parish of Saint Paul, Deptford, and a proportion of the general establishment charges and expenses of the present Greenwich District Board, up to the said *twenty-fifth day of March one thousand eight hundred and ninety-six*, based upon the rateable value of the property comprised in the said parish and in the other parts

A.D. 1895.

of the said district according to the valuation list then in force, and the present Greenwich District Board shall become and be liable to forthwith pay to the vestry all unexpended moneys raised from or on account of the parish of Saint Paul, Deptford, and then in the hands of the present Greenwich District Board, and from time to time thereafter the present Greenwich District Board, or the Greenwich District Board, as the case may be, shall pay to the said vestry any moneys so raised as and when the same shall come to their hands. The Greenwich District Board shall also make to the Saint Paul Deptford Vestry a fair payment in consideration of the amount contributed by the parish of Saint Paul, Deptford, towards the expense of building and furnishing the offices of the present Greenwich District Board, which offices will belong to the Greenwich District Board.

(7.) Superannuation allowances heretofore payable or granted or to become payable or granted by the present Greenwich District Board prior to the said *twenty-fifth day of March one thousand eight hundred and ninety-six* under the Superannuation (Metropolis) Act, 1866, to any past or present officers of the said district board shall be apportioned between the Greenwich District Board and the Saint Paul Deptford Vestry under this Act on the basis of the Saint Paul Deptford Vestry becoming liable for the whole of such allowances in respect of such officers whose duties when in the service of the present Greenwich District Board were confined solely to the parish of Saint Paul, Deptford, and of the Saint Paul Deptford Vestry becoming liable (subject to the proviso herein contained) for part of such allowances in respect of any other of such officers. The proportion of the said allowances in the case of such other officers to be borne by the Saint Paul Deptford Vestry and the Greenwich District Board shall be based upon the rateable value of the property comprised in the said parish and the Greenwich District respectively, according to the valuation list then in force, and the allowances and parts thereof to be borne by the Saint Paul Deptford Vestry under this Act shall be from time to time paid by the Saint Paul Deptford Vestry to the Greenwich District Board, and shall constitute and remain a liability of the Saint Paul Deptford Vestry, and such allowances shall continue to be paid to such officers by the Greenwich District Board, and such apportionment shall be carried into effect by deed: Provided that no part

29 & 30 Vict. c. 31.

of the allowance to any such officer whose duties were confined solely to the parishes to be constituted the Greenwich District shall be borne by the Saint Paul Deptford Vestry.

As to transfer of officers of Greenwich District Board.

6. Any officer, servant, or workman in the service of the present Greenwich District Board whose duties are confined solely to the parish of Saint Paul, Deptford, separated therefrom under this Act, or any officer who the said district board at any time previously to the said *twenty-fifth day of March one thousand eight hundred and ninety-six* shall by resolution declare ought fairly to be transferred to the service of the said Saint Paul Deptford Vestry, shall be transferred to the service of the said vestry upon the terms and conditions in each case of his appointment under the said district board, and with respect to every such officer, or to any other officer of the present Greenwich District Board who shall within one year from the said day be appointed by the Saint Paul Deptford Vestry to an office in the service of the Saint Paul Deptford Vestry, the time during which he shall have been in the service of the present Greenwich District Board shall, in computing the time of his service for the purpose of superannuation under the Superannuation (Metropolis) Act, 1866, be added to the time during which he shall have been in the service of the Saint Paul Deptford Vestry; provided that every such resolution for transfer shall state the grounds on which the present Greenwich District Board considers that the officer named therein ought fairly to be transferred to the service of the Saint Paul Deptford Vestry, and shall not be operative until the consent in writing of such officer shall have been obtained.

Arbitration in case of difference between the Greenwich District Board and Saint Paul Deptford Vestry.

7. If any dispute or difference arise between the present Greenwich District Board, the Greenwich District Board, and the Saint Paul Deptford Vestry, or any of them, as to the amount of any payment or the apportionment of any property, claim, demand, debt, allowance, or liability under this Act, or as to any question arising between them under or in consequence of this Act, the same shall be referred for determination to an arbitrator, to be appointed by one of Her Majesty's Principal Secretaries of State, on the application of the said district board and vestry, or either of them, and any person so appointed as arbitrator shall have power to give such directions as he may think expedient.

Effect of award and expenses of arbitration.

8. The payments, property, claims, demands, debts, allowances, and liabilities mentioned in any award under the preceding section of this Act shall, by virtue of such award, be paid, transferred, and vest in accordance with the same, and any such award shall be final

A.D. 1895.

and conclusive; and there shall be paid to any such arbitrator by the Saint Paul Deptford Vestry, and the Greenwich District Board, in such proportions as the arbitrator shall by his award direct, any expenses incurred by him or under his directions in relation to any arbitration or award made by him under this Act, and any inquiry or inquiries relative thereto, including the expenses of any witnesses summoned by any such arbitrator, which expenses shall be certified by him and a sum to be fixed by such Secretary of State for the services of such arbitrator.

Continuance of powers, actions, and proceedings.

9. All Acts conferring powers upon the present Greenwich District Board within its district or any part of its district shall be read and construed as applicable and enforceable from and after the *twenty-fifth day of March one thousand eight hundred and ninety-six* by the Saint Paul Deptford Vestry, within its parish and by the Greenwich District Board within the Greenwich District; and any action, suit, or other proceeding pending by or against the said District Board on the twenty-fifth day of March may, after that date, be continued by or against the Saint Paul Deptford Vestry or the Greenwich District Board, as may be agreed between the parties interested, and in default of agreement may be continued and proceeded with, notwithstanding anything in this Act contained, by or against the Greenwich District Board. Provided that any question which may arise between the said Vestry and District Board as to the ultimate apportionment of any moneys, costs, expenses, or liabilities, the subject of any such action, suit, or proceeding shall be determined by an arbitrator appointed as hereinbefore provided.

Existing board's officers.

10.—(1.) Every person who at the *passing of this Act* is an officer of the said Greenwich District Board, and who after the *twenty-fifth day of March one thousand eight hundred and ninety-six* continues in the service of the Greenwich District Board or the said vestry as an officer thereof, shall, in computing the time of his service for the purposes of the Superannuation (Metropolis) Act, 1866, be deemed to have served continuously from the time of the commencement of his service with the Greenwich District Board.

(2.) Every such officer who in consequence of this Act suffers any pecuniary loss by abolition of office or by diminution or loss of salary, fees, or emoluments, shall be entitled to have pecuniary compensation for such pecuniary loss paid to him by the Saint

Paul Deptford Vestry or the Greenwich District Board, or one of them.

(3.) The amount of compensation to be paid to any such officer, and the vestry or board by, or the proportions in which it shall be paid by both, shall, in case of difference, be determined by an arbitrator to be appointed by one of Her Majesty's Principal Secretaries of State on the application of the vestry or such officer, and the amount of the award shall be final.

11. The provisions of section one hundred and eighty of the Public Health Act, 1875 (regulations as to arbitration), shall so far as applicable and subject to the provisions of this Act apply to any arbitration under this Act. 38 & 39 Vict. c. 55.

12. The expenses of and relating to the passing of this Act shall be defrayed by the Saint Paul Deptford Vestry. Expenses of Act.

13. This Act may be cited for all purposes as the Metropolis Management (Saint Paul, Deptford) Act, 1895. Short title.

Metropolis Management (Saint Paul, Deptford).

A

B I L L

To amend the Metropolis Management Acts.

(*Prepared and brought in by Mr. Darling, Mr. Benn, Mr. Banbury, and Mr. Pickersgill.*)

Ordered, by The House of Commons, *to be Printed*, 8 *February* 1895.

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[Bill 77.]

Metropolitan Police Courts Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Transfer to metropolitan police fund of expenses and receipts of metropolitan police courts.
2. Power to alter salaries and fees.
3. Transfer of property from Commissioners of Works to receiver.
4. Powers of receiver with respect to land and buildings.
5. Provision as to retiring allowances.
6. Provision as to Chatham and Sheerness courts.
7. Provisions as to fees and fines.
8. Power to settle questions.
9. Repeal of enactments in schedule.
10. Commencement of Act.
11. Short title.

SCHEDULE.

A

B I L L

FOR

Transferring the Expenses of the Metropolitan Police Courts to the Metropolitan Police Fund, and for making provision with respect to the Courts of the Stipendiary Magistrate of Chatham and Sheerness. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Transfer to metropolitan police fund of expenses and receipts of metropolitan police courts.

1. The expenses of and incidental to the metropolitan police courts, except the salaries and superannuation allowances of the police magistrates, shall be paid out of the fund applicable for defraying the expenses of the metropolitan police (in this Act referred to as the police fund), and all moneys which at the *passing of this Act* are payable by the receiver for the metropolitan police district (in this Act referred to as the receiver) into the Exchequer in respect of the expenses of the metropolitan police courts, shall be paid by him to the metropolitan police fund.

Power to alter salaries and fees. [See 2 & 3 Vict. c. 71, ss. 9, 43. Sched. A.]

2.—(1.) The limit imposed by section nine of the Metropolitan Police Courts Act, 1839, on the salaries of the clerks in the metropolitan police courts is hereby repealed.

(2.) The Secretary of State may, by order under his hand, fix a table of the fees to be taken in the metropolitan police courts; and any table so fixed shall take effect instead of the table contained in Schedule A. to the Metropolitan Police Courts Act, 1839. 2 & 3 Vict. c. 71.

Transfer of property from Commissioners of

3. All property, real and personal, of or to which the Commissioners of Works are seised, possessed, or entitled, in trust for or for the purposes of any metropolitan police court in use

Works to receiver. [See 34 & 35 Vict. c. 35. s. 3.]

at the *passing of this Act*, shall pass to and be vested in the receiver for the same estate and interest and subject to the same covenants, conditions, agreements, and liabilities for and subject to which the same were held by the Commissioners of Works, and the Commissioners of Works shall be discharged from such covenants, conditions, agreements, and liabilities.

Powers of receiver with respect to land and buildings. 49 & 50 Vict. c. 22. 50 & 51 Vict. c. 45.

4. The receiver shall have the same powers with respect to land and buildings required for the purposes of the metropolitan police courts as he has with respect to land and buildings required for the purposes of the metropolitan police force, and the provisions of the Metropolitan Police Act, 1886, and the Metropolitan Police Act, 1887, shall apply accordingly, and the limit fixed by those Acts on the borrowing powers of the receiver shall, in order to enable him to borrow such money as may be required for the purposes of the metropolitan police courts, be raised to *six hundred and fifty thousand pounds.*

Provision as to retiring allowances. 38 & 39 Vict. c. 28. 48 & 49 Vict. c. 68.

5.—(1.) The Metropolitan Police Staff (Superannuation) Acts, 1875 and 1885, shall apply to any superannuation allowance, compensation, gratuity, or other allowance payable to any person appointed after the *passing of this Act* to be a member of the staff of the metropolitan police courts, except the police magistrates.

(2.) The superannuation allowances payable at the passing of this Act to persons who have been members of the staff of the metropolitan police courts, except as police magistrates, and the superannuation allowances payable hereafter to persons being, at the passing of this Act, members of that staff, except as aforesaid, shall be paid out of the police fund, but shall continue to be payable in accordance with the provisions of the Superannuation Act, 1859, and the enactments amending the same.

22 Vict. c. 26.

Provision as to Chatham and Sheerness courts.

6. The salary of the clerk to the Chatham and Sheerness stipendiary magistrate shall be paid out of the police fund, and all fees received at any courts of that magistrate, and all fines, pecuniary penalties, and forfeitures imposed by that magistrate shall, subject to the provisions of this Act, be paid to the receiver and carried to the police fund;

Provided that if the fees, fines, penalties, and forfeitures so paid in any financial year are insufficient to meet the salary of the said clerk for that year, *the deficiency shall be defrayed as heretofore, out of money provided by Parliament*, but in like manner as the charges and expenses incurred under the

Metropolitan Police Act, 1860, and if they are in excess of such salary the excess shall be paid into the Exchequer.

23 & 24 Vict. c. 135. Provisions as to fees and fines. 42 & 43 Vict. c. 58. 2 & 3 Vict. c. 71.

7.—(1.) The Public Offices Fees Act, 1879, shall apply to all fees payable at the metropolitan police courts or at any court of the Chatham and Sheerness stipendiary magistrate.

(2.) The account of fees, penalties, and forfeitures required by section forty-six of the Metropolitan Police Courts Act, 1839, shall be delivered at such times as the Secretary of State may by order direct.

(3.) Notwithstanding anything in this Act, or any repeal enacted by this Act, any fines which at the *passing of this Act* are payable by the receiver into the Exchequer, and which, by the Act imposing them, are directed to be paid to the Crown, or to the Exchequer, shall continue to be paid by the receiver into the Exchequer.

Power to settle questions.

8. If any question arises as to what expenses are expenses of or incidental to any court within the meaning of this Act, the question may be determined by the Secretary of State, with the concurrence of the Treasury so far as the question affects the amount of any charge on the Exchequer.

Repeal of enactments in schedule.

9. The Acts specified in the schedule to this Act shall be repealed to the extent appearing in the third column of that schedule.

Commencement of Act.

10. This Act shall come into operation at such date as may be fixed by order of the Secretary of State notified in the London Gazette, and the Secretary of State may fix different dates for different provisions of this Act coming into operation.

Short title.

11. This Act may be cited as the Metropolitan Police Courts Act, 1895, and shall be read with the Metropolitan Police Acts, 1829 to 1890.

A.D. 1895.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
2 & 3 Vict. c. 71. -	The Metropolitan Police Courts Act, 1839.	So much of section nine as relates to the amount of the salaries of clerks and officers employed in the metropolitan police courts. In section forty-six, the words "once "in every quarter of a year." In section forty-seven, the words "to Her Majesty or."
17 & 18 Vict. c. 94. -	The Public Revenue and Consolidated Fund Charges Act, 1854.	So much of Schedule B. as relates to the expenses of the police courts of the metropolis, except the salaries of the police magistrates, and so much of section seven as relates to the portion of Schedule B. repealed by this Act.
30 & 31 Vict. c. 63. -	The Chatham and Sheerness Stipendiary Magistrate Act, 1867.	Section twelve from "and the salary" to the end of the section. Section thirteen, from "and shall account" to "United Kingdom." Section fifteen.
34 & 35 Vict. c. 35. -	The Metropolitan Police Court (Buildings) Act, 1871.	The whole Act.

Metropolitan Police Courts.

A

B I L L

For transferring the Expenses of the Metropolitan Police Courts to the Metropolitan Police Fund, and for making provision with respect to the Courts of the Stipendiary Magistrate of Chatham and Sheerness.

(Prepared and brought in by Mr. George Russell and Mr. Secretary Asquith.)

Ordered, by The House of Commons, *to be Printed,* 6 *March* 1895.

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90, West Nile Street, Glasgow; or
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[Bill 231.]

A

B I L L

TO

Confirm a Provisional Order made by one of Her Majesty's Principal Secretaries of State under the Metropolitan Police Act, 1886, relating to lands in the Parishes of St. Pancras and Wimbledon. A.D. 1895.

WHEREAS the Right Honourable Herbert Henry Asquith, one of Her Majesty's Principal Secretaries of State, has made the Provisional Order set out in the schedule hereunto annexed, under the Metropolitan Police Act, 1886: 49 Vict. c. 22.

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Order set out in the schedule hereunto annexed is hereby confirmed. Order in schedule confirmed.

2. This Act may be cited as the Metropolitan Police Provisional Order Confirmation Act, 1895. Short title.

[Bill 212.]

A.D. 1895.

SCHEDULE.

Order made by the Secretary of State under the Metropolitan Police Act, 1886.

To the Receiver for the Metropolitan Police District, and all whom it may concern.

WHEREAS power is given to me by the Metropolitan Police Act, 1886, on the petition of the Receiver for the Metropolitan Police District, to make an order authorising him to put in force, with reference to land required for police stations, offices, and buildings, the powers of the Lands Clauses Consolidation Acts with respect to the purchase and taking of land otherwise than by agreement:

And whereas, as required by section 4, sub-section 3, of the said Act, the Receiver has presented to me a petition describing certain lands which he proposes to purchase, viz., the lands described in the schedule hereunto annexed, and stating the purposes for which such lands are required, and stating also the names (as inserted in the said schedule) of the owners and lessees, or reputed owners and lessees, and occupiers of the said lands who have respectively assented, dissented, or are neuter in the respect of the taking of the said lands, and praying for an order authorising him with reference to the said lands to put in force the powers of the Lands Clauses Consolidation Acts with respect to the purchase and taking of land otherwise than by agreement:

And whereas I have considered such petition and the proof submitted to me of the publication of the proper advertisements and of the service of the proper notices required by section 4, sub-section 2, of the said Act:

I hereby, in pursuance of the power conferred on me by the said Act, do authorise the said Receiver to put in force with reference to the said lands, viz., the lands described in the schedule hereto annexed, the powers of the Lands Clauses Consolidation Acts with respect to the purchase and taking of land otherwise than by agreement:

Given under my hand this twenty-sixth day of March one thousand eight hundred and ninety-five.

H. H. ASQUITH,
One of Her Majesty's Principal
Secretaries of State.

The SCHEDULE referred to in the foregoing Petition.

A.D. 1895.

County.	Parish.	Description of Lands.	Owner.	Lessee.	Occupier.	Purpose for which Land is required.
		FIRST PART.				
London	St. Pancras	A piece of land, containing 869 square feet or thereabouts, bounded on the south-west by Whitfield Street, on the north-west by the Tottenham Court Road Police Station, and on the north-east and south-east by the St. John the Evangelist Schools; together with the messuage erected thereon, and known as No. 16, Whitfield Street.	John Board -	Sarah Eliza Blyth.	Sarah Eliza Blyth.	The improvement and enlargement of the Police Station, known as the Tottenham Court Road Police Station, and for providing stabling.
		A piece of land, containing 2,370 square feet or thereabouts, bounded on the south-west by Whitfield Street, on the north-west by No. 26, Whitfield Street, and on the north-east and south-east by the Tottenham Court Road Police Station; together with the three messuages erected thereon, and known as Nos. 20, 22, and 24, Whitfield Street.	Emma Snell; Alfred Lewis; The Right Honourable Charles Henry Baron Southampton; William Barrett; Edward Barrett.	Edwin Tubbs; Arthur Farey; Robert Raffety.	Edwin Tubbs; Arthur Farey; Adelaide Wilsdon.	—
		A piece of land, containing 1,758 square feet or thereabouts, bounded on the south-west by the Tottenham Court Road Police Station, on the north-west by a passage between No. 61, Tottenham Court Road and the "Rose and Crown" public-house and the premises in the rear thereof, in the occupation of Mr. Chalfont, on the north-east by the Tottenham Court Road, and on the south-east by the Tottenham Court Road Police Station; together with the two messuages erected thereon and known as Nos. 60 and 61, Tottenham Court Road.	Alfred White; Henry Rosenbaum; Sophia Belch.	Samuel Goad; Sophia Goff.	Samuel Goad; Sophia Goff.	—
		A piece of land containing 4,209 square feet or thereabouts, bounded on the south-west by the St. John the Evangelist Schools, and by the yard of the Tottenham Court Road Police Station, on the north-west by the said yard and the passage leading thereto, on the north-east by the Tottenham Court Road, and on the south-east by Kirkman's Place; together with the six messuages erected thereon, and known as Nos. 55, 56 and 57, Tottenham Court Road, and Nos. 1, 2, and 3, Kirkman's Place.	Emma Hatfield; The Right Honourable Charles Henry, Baron Southampton; Mary Ann Isherwood; William Wilson.	Alfred Goldsmith; Herbert Adolphe Woodhouse; Arthur Barwell; Elizabeth Devenish.	Alfred Goldsmith; Herbert Adolphe Woodhouse; Arthur Barwell; Joseph Cotterell; Arthur Franklin; William James Gowland; George Mehrtens; Richard Mackrory; John William Negus.	—

A.D. 1895.

County.	Parish.	Description of Lands.	Owner.	Lessee.	Occupier.	Purpose for which Land is required.
		SECOND PART.				
Surrey	Wimbledon	A piece of land containing a superficial area of 9,650 feet or thereabouts, situate at the junction of Queen's Road and South Park Road, bounded on the north-west by Queen's Road aforesaid, on the south-west by South Park Road aforesaid, on the south-east by the garden of No. 2, South Park Road aforesaid, and on the north-east by the garden of No. 17, Queen's Road aforesaid.	John Mills Thorne; Benjamin Richard Thorne; Frederick Gordon Thorne.	—	Richard John T. Hopkins.	The erection thereon of a police station with the necessary outbuildings and appurtenances.

Metropolitan Police Provisional Order.

A

B I L L

To confirm a Provisional Order made by one of Her Majesty's Principal Secretaries of State under the Metropolitan Police Act, 1886, relating to lands in the Parishes of St. Pancras and Wimbledon.

(*Prepared and brought in by Mr. George Russell and Mr. Secretary Asquith.*)

Ordered, by The House of Commons, *to be Printed,* 25 *April* 1895.

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[*Price* ½*d.*]

[Bill 212.]

Metropolitan Police (Receiver) Bill.

MEMORANDUM.

The receiver for the metropolitan police district is constituted by statute a corporation sole and is required to perform certain duties in person. Inconvenience has arisen during his temporary absence through illness or otherwise, and the object of the Bill is to remedy this inconvenience.

A

B I L L

TO

Make provision for the temporary absence of the Receiver for the Metropolitan Police District. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to provide for temporary absence of receiver.

1. If and whilst the receiver for the metropolitan police district is temporarily absent from his duties a person appointed by warrant under the hand of the Secretary of State may temporarily act as and shall be deemed for all purposes to be such receiver.

Short title.

2. This Act may be cited as the Metropolitan Police (Receiver) Act, 1895, and shall be read with the Metropolitan Police Acts, 1829 to 1890.

Metropolitan Police (Receiver).

A

B I L L

To make provision for the temporary absence of the Receiver for the Metropolitan Police District.

(*Prepared and brought in by Mr. George Russell and Mr. Secretary Asquith.*)

Ordered, by The House of Commons, *to be Printed,* 1 *April* 1895.

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[*Price* 1*d.*]

[Bill 188.]

A

B I L L

TO

Confirm certain Provisional Orders of the Secretary of State under the Military Lands Act, 1892.

A.D. 1895.

WHEREAS the Secretary of State has made the Provisional Orders set out in the schedule to this Act under the provisions of the Military Lands Act, 1892, and it is requisite that those Orders should be confirmed by Parliament:

55 & 56 Vict. c. 43.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Confirmation of Orders in schedule.

1. The Orders set out in the schedule to this Act are by this Act confirmed, and all the provisions thereof shall have full validity and force from the date of the passing of this Act.

Short title.

2. This Act may be cited as the Military Lands Provisional Orders Confirmation Act, 1895.

SCHEDULE.

A.D. 1895.

No. 1.—PORTOBELLO BARRACKS, DUBLIN.

A Provisional Order made in pursuance of Section Two of the Military Lands Act, 1892, authorising the purchase of land for the enlargement of the Portobello Barracks, in the county of Dublin.

55 & 56 Vict. c. 43.

Whereas by section two of the Military Lands Act, 1892, the Secretary of State is empowered to make Provisional Orders authorising the taking of land for the military purposes defined in that Act:

And whereas under section twenty-three of the Military Lands Act, 1892, the term "military purposes" is defined to include the building and enlarging of barracks:

And whereas it is expedient for the purpose of enlarging the Portobello Barracks, in the county of Dublin, that the Secretary of State should be empowered to purchase, under the Military Lands Act, 1892, the lands described in this Order:

And whereas a plan, showing the lands to be purchased, has been signed by the Secretary of State, and has been deposited with the clerk of the peace for the county of Dublin:

And whereas the Secretary of State has, with reference to the purchase of the said lands, caused such notices to be served, and such local inquiry to be held, as are required by the provisions of the Military Lands Act, 1892, and after that inquiry is satisfied that the lands should be taken:

Now therefore, I, the Secretary of State, in pursuance of the powers given to me by section two of the Military Lands Act, 1892, and any other enactment in that behalf, hereby order that from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect:

Power to purchase lands under the Military Lands Act, 1892.

1. The Secretary of State may, for the enlargement of the Portobello Barracks, in the county of Dublin, purchase, under section two of the Military Lands Act, 1892, and the Acts incorporated therewith, the lands, being part of the lands of Portobello, situate in the barony of Uppercross, in the parish of St. Peter's, and in the county of Dublin, which are more particularly delineated on the plan signed by the Secretary of State and deposited as aforesaid, and are thereon coloured pink, and contain one rood and twenty-six perches or thereabouts.

Short title.

2. This Order may be cited as the Portobello Barracks Enlargement Order, 1895 (No. 1).

Given under the hand and seal of the Secretary of State this second day of April one thousand eight hundred and ninety-five.

(L.S.) H. Campbell-Bannerman.

No. 2.—PORTOBELLO BARRACKS, DUBLIN.

A.D. 1895.

A Provisional Order made in pursuance of Section Two of the Military Lands Act, 1892, authorising the purchase of land for the enlargement of the Portobello Barracks, in the County of Dublin.

WHEREAS by section two of the Military Lands Act, 1892, the Secretary of State is empowered to make Provisional Orders authorising the taking of land for the military purposes defined in that Act: 55 & 56 Vict. c. 43.

And whereas under section twenty-three of the Military Lands Act, 1892, the term "military purposes" is defined to include the building and enlarging of barracks:

And whereas it is expedient for the purpose of enlarging the Portobello Barracks, in the county of Dublin, that the Secretary of State should be empowered to purchase, under the Military Lands Act, 1892, the lands described in this Order:

And whereas a plan, showing the lands to be purchased, has been signed by the Secretary of State, and has been deposited with the clerk of the peace for the county of Dublin:

And whereas the Secretary of State has, with reference to the purchase of the said lands, caused such notices to be served, and such local inquiry to be held, as are required by the provisions of the Military Lands Act, 1892, and after that inquiry is satisfied that the lands should be taken:

Now therefore, I, the Secretary of State, in pursuance of the powers given to me by section two of the Military Lands Act, 1892, and any other enactment in that behalf, do hereby order that from and after the date of the Act of Parliament confirming this Order, the following provisions shall take effect:

Power to purchase lands under the Military Lands Act, 1892.

1. The Secretary of State may, for the enlargement of the Portobello Barracks, in the county of Dublin, purchase, under section two of the Military Lands Act, 1892, and the Acts incorporated therewith, the lands, being part of the lands of Harold's Cross, East, formerly called Cullen otherwise Sleighour, situate in the barony of Uppercross, in the parish of St. Peter's, and in the county of Dublin, which are more particularly delineated on the plan signed by the Secretary of State and deposited as aforesaid, and are thereon coloured pink, and contain three acres two roods and twenty-seven perches or thereabouts.

Short title.

2. This Order may be cited as the Portobello Barracks Enlargement Order, 1895 (No. 2).

Given under the hand and seal of the Secretary of State this second day of April one thousand eight hundred and ninety-five.

(L.S.) H. CAMPBELL-BANNERMAN.

A.D. 1895.

No. 3.—LONDONDERRY (EBRINGTON) BARRACKS.

A Provisional Order made in pursuance of Section Two of the Military Lands Act, 1892, authorising the purchase of land for the enlargement of the Ebrington Barracks, in the city of Londonderry.

55 & 56 Vict. c. 43.

WHEREAS by section two of the Military Lands Act 1892 the Secretary of State is empowered to make Provisional Orders authorising the taking of land for the military purposes defined in that Act:

And whereas under section twenty-three of the Military Lands Act 1892 the term "military purposes" is defined to include the building and enlarging of barracks:

And whereas it is expedient for the purpose of enlarging the Ebrington Barracks in the city of Londonderry that the Secretary of State should be empowered to purchase under the Military Lands Act 1892 the lands described in this Order:

And whereas plans showing the lands to be purchased have been signed by the Secretary of State and have been deposited with the clerk of the peace for the city of Londonderry:

And whereas the Secretary of State has with reference to the purchase of the said lands caused such notices to be served and such local inquiry to be held as are required by the provisions of the Military Lands Act 1892 and after that inquiry is satisfied that the lands should be taken:

Now therefore I the Secretary of State in pursuance of the powers given to me by section two of the Military Lands Act 1892 and any other enactment in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the following provisions shall take effect:

Power to purchase lands under the Military Lands Act 1892.

1. The Secretary of State may for the enlargement of the Ebrington Barracks in the city of Londonderry purchase under section two of the Military Lands Act 1892 and the Acts incorporated therewith the lands being part of the lands of Clooney situate in the barony of Tirkeeran in the parish of Clondermot and in the city of Londonderry which are more particularly delineated on the plan signed by the Secretary of State and deposited as aforesaid and are thereon coloured pink and contain twelve acres one rood and thirty-eight perches or thereabouts.

Short title.

2. This Order may be cited as the Londonderry (Ebrington) Barracks Enlargement Order 1895.

Given under the hand and seal of the Secretary of State this sixth day of March one thousand eight hundred and ninety-five.

(L.S.) H. CAMPBELL-BANNERMAN.

Military Lands Provisional Orders.

A

B I L L

To confirm certain Provisional Orders of the Secretary of State under the Military Lands Act, 1892.

(*Prepared and brought in by Mr. Woodall and Mr. Secretary Campbell-Bannerman.*)

Ordered, by The House of Commons, *to be Printed*, 4 *April* 1895.

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[*Price* 1*d.*]

[Bill 192.]

A

B I L L

TO

Confirm a Provisional Order of the Secretary of State under the Military Lands Act, 1892. A.D. 1895.

WHEREAS the Secretary of State has made the Provisional Order set out in the schedule to this Act under the provisions of the Military Lands Act, 1892, and it is requisite that that Order should be confirmed by Parliament: 55 & 56 Vict. c. 43.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Order set out in the schedule to this Act is by this Act confirmed, and all the provisions thereof shall have full validity and force from the date of the passing of this Act. Confirmation of Order in schedule.

2. This Act may be cited as the Military Lands Provisional Order Confirmation Act, 1895 (No. 2). Short title.

[Bill 316.]

SCHEDULE.

A.D. 1895.

RICHMOND BARRACKS DUBLIN.

A Provisional Order made in pursuance of Section Two of the Military Lands Act 1892 authorising the purchase of land for the enlargement of Richmond Barracks in the county of Dublin.

55 & 56 Vict. c. 43.

WHEREAS by section two of the Military Lands Act 1892 the Secretary of State is empowered to make Provisional Orders authorising the taking of land for the military purposes defined in that Act:

And whereas under section twenty-three of the Military Lands Act 1892 the term "military purposes" is defined to include the building and enlarging of barracks:

And whereas it is expedient for the purpose of enlarging Richmond Barracks in the county of Dublin that the Secretary of State should be empowered to purchase under the Military Lands Act 1892 the lands described in this Order:

And whereas a plan showing the lands to be purchased has been signed by the Secretary of State and has been deposited with the clerk of the peace for the county of Dublin:

And whereas the Secretary of State has, with reference to the purchase of the said lands caused such notices to be served and such local inquiry to be held as are required by the provisions of the Military Lands Act 1892 and after that inquiry is satisfied that the lands should be taken:

Now therefore I the Secretary of State in pursuance of the powers given to me by section two of the Military Lands Act 1892 and any other enactment in that behalf hereby order that from and after the date of the Act of Parliament confirming this Order the following provisions shall take effect:

Power to purchase lands under the Military Lands Act, 1892.

1. The Secretary of State may for the enlargement of Richmond Barracks in the county of Dublin purchase under section two of the Military Lands Act 1892 and the Acts incorporated therewith the lands being part of the lands of Goldenbridge North situate in the barony of Uppercross in the parish of St. Jude's and in the county of Dublin which are more particularly delineated on the plan signed by the Secretary of State and deposited as aforesaid and are thereon coloured pink and contain ten acres and twenty-five perches or thereabouts.

Short title.

2. This Order may be cited as the Richmond Barracks Enlargement Order 1895.

Given under the hand and seal of the Secretary of State this twelfth day of June one thousand eight hundred and ninety-five.

(L.S.) H. CAMPBELL-BANNERMAN.

Military Lands Provisional Order (No. 2).

A

B I L L

To confirm a Provisional Order of the Secretary of State under the Military Lands Act, 1892.

(*Prepared and brought in by Mr. Secretary Campbell-Bannerman and Mr. Woodall.*)

Ordered, by The House of Commons, *to be Printed*, 18 *June* 1895.

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[*Price* ½*d.*]

[Bill 316.]

A

B I L L

TO

Make better provision for the Militia, and with reference to the Law of Ballot for that Force. A.D. 1895.

WHEREAS it is expedient to make better provision for the raising of the militia, and whereas doubts have arisen as to the powers of lieutenants of counties to raise militia men by ballot, and it is expedient to remove such doubts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may be cited as the Militia Act, 1895, and shall be read and construed together with the Militia Acts so far as the said Acts are consistent with the provisions of this Act.

Repeal of 28 & 29 Vict. c. 46.

2. The Act twenty-eight and twenty-nine Victoria, chapter forty-six, is hereby repealed.

Privy council to exercise powers conferred on them by 45 & 46 Vict. c. 49. s. 37, and by 15 & 16 Vict. c. 50. s. 10.

3. Her Majesty's Privy Council shall forthwith after *the passing of this Act* exercise the powers conferred upon them by section thirty-seven of the Militia Act, 1882, to appoint the quotas of militia men to serve for the several counties of the United Kingdom, and under section ten of the Act fifteen and sixteen Victoria, chapter fifty, to alter all or any of the sub-divisions of any county, riding, or place, or to constitute new sub-divisions therein.

Commanding officers of militia to inform lords lieutenant of counties of deficiencies in quotas.

4. In any year after the *first day of January one thousand eight hundred and ninety-six*, it shall be the duty of every general officer commanding a district in England, Scotland, or Ireland, on or before the *first day of June*, to inform the lieutenant of the county, riding, or place to which such district belongs, whether there is any deficiency in the quota of any part of the militia serving in

A.D. 1895.

such district, and the amount, if any, of such deficiency. This section shall not apply to Jersey, Guernsey, or Alderney.

Proceedings to secure the raising of quota of militia men in default of voluntary enlistment.

5. If in any year after the *first day of January one thousand eight hundred and ninety-six*, the quota of militia men, as fixed by Her Majesty in Council, shall not be raised in any county, riding, or place by voluntary enlistment, the lieutenant of every such county, riding, or place shall on or before the *first day of September* in that year inform Her Majesty's Privy Council that the number of men raised as aforesaid has fallen short of the quota, and thereupon Her Majesty's Privy Council shall exercise the powers conferred upon them by section eighteen of the Act fifteen and sixteen Victoria chapter fifty, and shall order and direct the lieutenant of such county, riding, or place to raise the number of men required to make up the quota by ballot, as provided by the Act forty-two George the Third, chapter ninety, and subsequent Acts amending the same.

15 & 16 Vict. c. 50. s. 18.

42 Geo. 3. c. 90.

Substitutes.

6. No person who is chosen by ballot to serve in the militia under the provisions of this Act shall be allowed to provide a substitute.

Persons exempted from ballot for the militia.

7. Besides and in addition to the exemptions contained in the Militia Acts, no person shall be liable to be ballotted for the militia under the provisions of this Act who is a peer of the realm, or a member of Parliament, or a resident member of any of the universities, or a clergyman or minister of any religious denomination, or who is engaged in any fixed or regular trade, calling, profession, or employment, for gain or otherwise, and if the name of any such person as aforesaid shall appear in any list of those liable to be chosen by ballot he shall claim exemption as if he were a person exempted by section forty-three of the herein-before mentioned Act forty-two George the Third, chapter ninety, in the manner provided by the said Act; provided always that nothing contained in this Act shall be taken to be in derogation of any power of Her Majesty contained in any Act of Parliament to raise militia men by ballot in case of actual invasion or imminent danger thereof.

42 Geo. 3. c. 90. s. 43.

Liability to foreign service of militia embodied under 45 & 46 Vict. c. 49. s. 18.

8. Whenever Her Majesty in Council has under the powers contained in section eighteen of the Militia Act, 1882, ordered by proclamation the militia or any part of the militia to be embodied, all or any part of the militia embodied in pursuance of the said proclamation shall be liable to be carried or ordered to go out of the United Kingdom, and to serve in any part of the world where their services may be required, notwithstanding anything to the contrary contained in section twelve of the Militia Act, 1882.

45 & 46 Vict. c. 49. s. 12.

A.D. 1895.

Repeal of Acts.

9. All enactments inconsistent with this Act are hereby repealed.

Definitions.

10. In this Act—

The expression "militia" means the regular militia raised in the United Kingdom or in any county or part thereof:

The expressions "militia men" and "men" include respectively non-commissioned officers:

The expression "Militia Acts" means this Act and any Act passed or hereafter to be passed relating to the militia.

Militia.

A

BILL

To make better provision for the Militia, and with reference to the Law of Ballot for that Force.

(*Prepared and brought in by Major Rasch, Mr. Brookfield, Sir George Chesney, and Captain Grice-Hutchinson.*)

Ordered, by The House of Commons, *to be Printed*, 8 *February* 1895.

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[*Price* ½*d.*]

[Bill 31.]

A

B I L L

TO

Restrict the Hours of Labour in Mines to Eight Hours per Day. A.D. 1895.

WHEREAS it is expedient to limit the hours of work underground of persons employed in mines:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Mines (Eight Hours) Act, 1895. Short title.

2. A person shall not, in any one day of twenty-four hours, be employed underground in any mine for a period exceeding *eight hours* from the time of his leaving the surface of the ground to the time of his ascent thereto, except in case of breakage of machinery, explosions of fire-damp, or any accident causing the entire stoppage of the working of the mine. Limit of eight hours underground.

3. Any employer, or the agent of any employer, employing or permitting to be employed any person other than the officials of the mine as defined in the Coal Mines Regulation Act, 1887, in contravention of this enactment, shall be liable to a penalty not exceeding *forty shillings* for each offence, to be recovered in the same manner in which any penalty under the Acts relating to factories and workshops is recoverable. Penalty for contravention.

4. This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-six.* Commencement of Act.

Mines (Eight Hours).

A

B I L L

To restrict the Hours of Labour in Mines to Eight Hours per Day.

(*Prepared and brought in by Mr. Woods, Mr. Pickard, Sir Charles Dilke, Mr. Jacoby, Mr. Bayley, Mr. Cremer, Mr. Randell, Mr. Abraham, Mr. Roby, Sir A. Rollit, Mr. Leese, and Mr. Ernest Spencer*).

Ordered, by The House of Commons, *to be Printed,* 19 *February* 1895.

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[Bill 123.]

Mining Easements Bill.

MEMORANDUM.

The object of this Bill is to enable mine owners to acquire way-leaves and other mining easements over or under lands adjoining their mines, by a compulsory process in the county court, in cases where they cannot by agreement acquire such easements at a reasonable rent from the owners of the lands.

It is in the power of such owners of land, by exacting large rents from the owners of the mines, greatly to increase the cost of working and the price of the minerals raised, to reduce the wage fund of the miners, and generally to cripple the mining industries of the country; and it is a matter of common knowledge that this power is frequently exercised.

The machinery proposed by the Bill for the remedy of this grievance is that the judge of the county court of the district should be empowered to decree a compulsory hiring in cases where a hiring of the easement is desired, and cannot be acquired on reasonable terms.

The Bill is intended to apply to existing as well as to future cases of hardship, and to authorise the modification of existing agreements.

A

B I L L

TO

Amend the Law relating to Mining Royalties and Easements. A.D. 1895.

WHEREAS it is a common practice for mining owners to hire, from owners of land adjacent to their mines, wayleaves and other mining easements for the more convenient working of their mines:

And whereas the said mining owners cannot in some instances obtain such easements from the said owners of land at a reasonable rent:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and application.

1. This Act may be cited as the Mining Easements Act, 1895, and shall apply to all mines within the meaning of the Coal Mines Act, 1887, or the Metalliferous Mines Act, 1872, and to no other mines.

Definitions.

2. In this Act, unless the context otherwise requires,—

"Mining owner."

"Mining owner" means any person who is the immediate proprietor or lessee or occupier of any mine, or of any part thereof; and does not include a person merely receiving a royalty, rent, or fine from a mine, or being merely the proprietor of a mine subject to any lease, grant, or licence for the working thereof, or merely the owner of the soil, and not interested in the minerals of the mine:

"Neighbouring owner."

"Neighbouring owner" means any person for the time being entitled to receive the rents and profits of any lands superjacent, adjacent or subjacent to any land containing any mines of any mining owner:

"Mining easement."

"Mining easement" includes any wayleave, whether under ground or above ground airleave, water leave, leave to

A.D. 1895.

deposit any mineral gotten or spoil, outstroke, or instroke, by whatever name locally known:

"County court." "County court" means the county court of the district in which any part of the mine in respect of which an application under this Act is made is situate.

Procedure to hire mining easement.

3. Any mining owner who shall wish to hire any mining easement from a neighbouring owner may serve such neighbouring owner with a notice in writing wherein he shall state—

(1) the nature of the mining easement required, with as full particulars thereof as it is reasonably practicable for him to give;

(2) the amount of the rent and the duration of the hiring which the mining owner proposes.

Serving of notice.

4. Within *thirty days* after receiving such notice the neighbouring owner shall serve upon the mining owner a notice in writing wherein he shall state either the amount of rent and the duration of time at and for which he is willing to let the mining easement, or that he refuses to let the same, with the grounds for such refusal.

Fixing of rent.

5. If the parties cannot agree, the judge of the county court shall, upon the application of either, issue a notice requiring both parties to appear before him on a day to be therein named.

On such day or on such other day as the judge of the county court shall appoint, the judge shall hear and determine the question between the parties, and either refuse the application of the mining owner or make a decree for the lease of the mining easement at such rent and for such a period not exceeding *fourteen years* as he shall consider reasonable, and the registrar of the county court shall thereupon settle a lease in compliance with the decree and at the expense of the mining owner.

Application of Act to existing leases.

6. This Act shall apply to all existing agreements for the hire of any mining easements, so as to enable any mining owner to obtain a reduction of the rent or a prolongation of the period of hiring at the same rent or a lower rent.

Consideration for county court.

7. In settling the amount of any rent for a mining easement, the estimate thereof shall be based on a fair market value as estimated at the time of the decree of the county court, due regard being had to the nature and then condition of the land of the neighbouring owner, and without any additional allowance in respect of the hiring being compulsory, and the county court judge shall have

regard to and make an allowance in respect of any increased value which, in his opinion, will be given to other lands of the said owner by the hiring being effected. A.D. 1895

8. This Act shall commence and come into operation on the *first day of October one thousand eight hundred and ninety-five.* Commencement of Act.

Mining Easements.

A

B I L L

To amend the Law relating to Mining Royalties and Easements.

(*Prepared and brought in by*
Mr. Atherley Jones, Mr. John Wilson (Durham),
Mr. Fenwick, Mr. Joseph A. Pease,
Sir James Joicey, and Mr. J. Richardson.)

Ordered, by The House of Commons, *to be Printed,*
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[Bill 33.]

A

B I L L

TO

Amend the Law relating to the Costs allowed to Mortgagees. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Mortgagees Legal Costs Act, 1895.

Charges, &c. where mortgage is made with solicitor.

2.—(1.) Any solicitor or solicitors to whom either alone or jointly with any other person or persons a mortgage is made, or the firm of which such solicitor or solicitors shall be a member or members, shall be entitled to receive for all business transacted and acts done by such solicitor, solicitors, or firm in negotiating the loan, deducing and investigating the title to the property and preparing and completing the mortgage, all such usual professional charges and remuneration as he or they would have been entitled to receive if such mortgage had been made to a person not a solicitor, and such person had retained and employed such solicitor, solicitors, or firm to transact such business, and do such acts; and such charges and remuneration shall accordingly be recoverable from the person or persons making such mortgage.

(2.) This section applies only to mortgages made after the *commencement of this Act.*

3.—(1.) Any solicitor or solicitors to or in whom either alone or jointly with any other person or persons any mortgage shall be made or shall be vested by transfer or transmission, or the firm of which such solicitor or solicitors shall be a member or members, shall be entitled to receive and recover from the person on whose behalf the same shall be done or to charge against the security for all business transacted and acts done by such solicitor, solicitors, or firm subsequent and in relation to such mortgage or to the security

A.D. 1895.

thereby created or the property therein comprised, all such usual professional charges and remuneration as he or they would have been entitled to receive if such mortgage had been made to and had remained vested in a person not a solicitor, and such person had retained and employed such solicitor, solicitors, or firm to transact such business and do such acts, and accordingly no such mortgage shall be redeemed except upon payment of such charges and remuneration.

(2.) This section applies to mortgages made and business transacted and acts done either before or after the *commencement of this Act*.

Definition of mortgage.

4. In this Act mortgage includes any charge on any property for securing money or money's worth.

Extent of Act.

5. This Act shall not extend to Scotland.

Mortgagees Costs.

A

B I L L

To amend the Law relating to the Costs allowed to Mortgagees.

(*Prepared and brought in by*
Mr. Haldane, Mr. Long, Mr. Cozens-Hardy,
Mr. Stuart-Wortley, Mr. Neville,
Mr. Butcher, and Dr. Commins.)

Ordered, by The House of Commons, *to be Printed,*
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[Bill 110.]

A

B I L L

TO

Amend the Law relating to the Municipal Franchise in Ireland. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title of Act.

1. This Act may be cited for all purposes as the Municipal Franchise Amendment (Ireland) Act, 1895.

Interpretation.

2. In this Act the expression "municipal borough" shall mean any borough named in the Schedule (A.) to the Municipal Corporation (Ireland) Act, 1840 (herein-after referred to as "the said Act"), or any town or borough to which, pursuant to the fourteenth section of the said Act, a charter of incorporation has been or shall be granted; and the word "mayor" as to the cities of Dublin and Belfast shall mean "lord mayor;" the expressions "clerk of the union" and "poor rate collectors" shall in the city of Dublin include the collector-general of rates; the expression "Municipal Franchise Acts" shall mean the said Act and the Acts amending it; and the expression "Parliamentary Registration Acts" shall mean the enactments for the time being in force in Ireland relating to the registration of persons entitled to vote at parliamentary elections.

Repeal of existing franchise law.

3. From and after the *passing of this Act*, so much of the Municipal Franchise Acts as relates to the qualifications necessary to entitle any person to be, and to be enrolled as, a burgess in any municipal borough shall be and the same is hereby repealed. In lieu of the qualification prescribed by the said Acts, the qualification in this Act herein-after prescribed shall be deemed to be substituted.

A.D. 1895.

Qualification for municipal franchise.

4.—(1.) Every person who is qualified as follows; that is to say,

(*a.*) Who is of full age; and

(*b.*) Who or the *twentieth day of July* in any year is, and during the whole of the preceding *twelve months* has been, an occupier of any house, warehouse, counting-house, shop, or other building within any municipal borough; and

(*c.*) Who shall have been rated in respect of such premises so occupied by him in all rates made under the Acts for the relief of the destitute poor in Ireland during said twelve months; and

(*d.*) Who on or before *first day of July* in such year shall have paid or discharged all rates (if any) made prior to the preceding *first day of January* (including borough rates) as shall have become payable by him in respect of such premises during his occupation thereof,

shall be entitled to be enrolled in that year in the burgess roll for such borough according to the provisions of the Municipal Franchise Acts, and when so enrolled shall be, and shall be entitled to vote as, a burgess of such borough and member of the body corporate of the mayor, aldermen, and burgesses of such borough.

(2.) The said premises so to be occupied need not be the same premises or in the same ward or poor-law union, but may be different premises occupied in immediate succession by such person in the same ward or poor-law union, or in different wards or poor-law unions.

(3.) A person occupying any such premises as aforesaid jointly with any other person or persons shall be deemed an occupier of such premises within the meaning of this section.

(4.) In and for the purposes of this Act, the terms house, warehouse, counting-house, shop, or other building, include any part of a house, whether separately rated or not, where that part is separately occupied for the purposes of residence, or of any trade, business, or profession; and any such part may for the purpose of describing the qualification be described as apartments, office, chambers, studio, or by any like term applicable to the case. Where an occupier is entitled to the sole and exclusive use of any part of a house, that part shall not be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part.

(5.) A person shall not be disqualified from being enrolled or voting as a burgess as aforesaid in respect of the occupation of any house by reason only that during a part of said twelve months, not

exceeding *four months* in the whole, he has, by letting or otherwise, permitted such house to be occupied as a furnished dwelling-house by some other person, and during such occupation by another person has not resided in or within seven miles of the borough.

Occupation of premises of the value of 10*l.* to qualify.

5. Every person who by virtue of the occupation of any land or tenement in a municipal borough is entitled to be registered as a voter at a parliamentary election in respect of a ten pounds occupation qualification within the meaning of the fifth section of the Representation of the People Act, 1884, shall be entitled to be enrolled in the burgess roll for such borough, and when so enrolled shall, subject to the provisions of this Act, be, and shall be entitled to vote as, a burgess of such borough and member of the body corporate of the mayor, aldermen, and burgesses of such borough.

48 Vict. c. 3.

Residence necessary to qualify.

6. No person shall under the provisions of this Act be enrolled as a burgess in any municipal borough in any year unless such person shall, during the *six months* next preceding the said twentieth day of July in that year, have resided within such borough or within seven miles of the same.

Exclusions from franchise.

7. No person being an alien, or who is disentitled under any Act of Parliament, shall under the provisions of this Act be enrolled as a burgess in any year, and no person shall be so enrolled in any year who within twelve months next before the said twentieth day of July in that year shall, under the Acts for the relief of the destitute poor in Ireland, have received relief other than medical or surgical relief or medicine under any Act relating to medical charities in Ireland.

Saving rights under existing burgess rolls.

8. Nothing in this Act contained shall affect any existing burgess roll, and every such roll shall continue in full force and effect in all respects as if this Act had not been passed.

Provision as to premises acquired by descent, &c.

9. In case any such house, warehouse, counting-house, shop, or other building, as aforesaid, in any borough, shall come to any person by descent, marriage, marriage-settlement, devise, bequest, or promotion to any benefice or office, such person shall be entitled to reckon the occupancy, and rating in respect of the occupancy thereof, by the person from or by whom any such premises as aforesaid shall have so come to him as his own occupancy and rating, and shall be entitled to be enrolled and be a burgess in respect of such successive occupancy and rating, provided he shall be otherwise qualified as herein provided. Rating in the name of the predecessor shall, until a new rate is made after the date of the succession, be equivalent to rating in the name of the successor,

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and the successor shall not be required to prove his own residence, occupancy, or rating before the succession.

Rate payable by instalments.

10. Where any rate is payable in instalments, payment of any instalment shall, for the purposes of this Act, be deemed a payment of such rate in respect of the period to which the instalment applies.

No burgess to be enrolled who is not qualified under this Act.

11. From and after the *passing of this Act*, no person shall be enrolled in the burgess roll of any municipal borough unless he is qualified as a burgess according to the provisions of this Act.

Name of occupier to be entered in rate book.

12. Where in the case of any such premises occupied as aforesaid the immediate lessor or owner of same is primarily liable to pay the poor rates payable out of such premises, the name of the occupier shall, notwithstanding, be inserted in the rate book, and the guardians of the poor, or the collector-general of rates, as the case may be, or any other person or persons making out any such poor rate, shall enter in the occupiers column of the rate book the name of the occupier of any such premises, who shall thereupon, so far as regards qualification for any franchise conferred by this Act, be deemed to be rated in respect of the same. If any clerk of union or other person negligently or wilfully, and without reasonable cause, omits the name of the occupier of any such premises from the rate book, or negligently or wilfully mis-states any name therein, such person shall for every such omission or mis-statement be liable to a penalty not exceeding *two pounds*, to be recovered by civil bill before the county court judge or recorder within whose jurisdiction such person resides, at suit of the occupier of the premises in relation to which such omission or mis-statement shall have taken place: Provided that any occupier whose name shall be so omitted or mis-stated shall, notwithstanding such omission or mis-statement, and that no claim to be rated has been made by him, be entitled to every qualification and franchise depending upon his occupation of, or upon his being rated in respect of, any such premises, in the same manner as if his name had not been so omitted or mis-stated.

Notwithstanding anything contained in the sixty-third section of the Act of the twelfth and thirteenth years of the reign of Her present Majesty, chapter ninety-one, this section shall apply to any such premises as aforesaid, situate within the city of Dublin, whatever the nature of the tenancy under which the occupier holds such premises.

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Owner or immediate lessor to supply list of occupiers.

13. Every immediate lessor or owner who is primarily liable to pay the poor rates payable out of any such premises as aforesaid shall deliver to the poor rate collector, as the case may be, from time to time when required by him, a list in writing, containing the names of the occupier or occupiers of such premises; and if any such immediate lessor or owner wilfully or negligently omits to deliver such list when required to do so, or wilfully or neligently omits therefrom or mis-states therein the name of any occupier, he shall for every such omission or mis-statement be liable to a penalty not exceeding *two pounds*, to be recovered by civil bill before the county court judge or recorder within whose jurisdiction he resides, at suit of the occupier whose name has been so omitted or mis-stated.

Occupier, though not primarily liable, may pay taxes.

14. Where the immediate lessor or owner of any such premises as aforesaid is primarily liable to pay the taxes payable out of same, and the payment of which is necessary by law to entitle the occupier of such premises to be enrolled in the burgess roll, and such immediate lessor or owner omits or neglects to pay any such taxes within *four months* after the making thereof, the occupier of said premises may, at any time after the expiration of such period of four months, pay so much of said taxes as may be necessary to qualify him to be enrolled in the burgess roll, and to be a burgess pursuant to the fourth section of this Act; and every such occupier so paying such taxes may deduct from the rent which he may then or next thereafter be liable to pay in respect of said premises the whole of any taxes so paid by him; and if rent to the amount of such taxes be not then or do not thereafter become due from such occupier, he shall be entitled to recover such proportion of the said taxes as he has thus been unable to deduct from his rent from the said immediate lessor or owner by civil bill. Nothing contained in this section shall prejudice or affect any right or liability of any such occupier as aforesaid under any Acts relating to the assessment, levying, or collection of any such taxes.

Occupier to receive notice of nonpayment of taxes.

15.—(1.) Where any taxes due in respect of any such premises as aforesaid, previously to the *first day of January* in any year, and the payment of which is necessary by law to entitle the occupier of such premises to be enrolled in the burgess roll, remain unpaid on the *first day of May* following, the guardians of the poor in municipal boroughs other than in Dublin, and in Dublin the collector-general of rates, shall, on or before the *twentieth of the same month of May*, unless such taxes have previously been paid, give or cause to be given a notice in the form (Number 1) set forth

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in the First Schedule to this Act, or to the like effect, to the occupier of such premises. The notice shall be deemed to be duly given if delivered to the occupier or left at his last or usual place of abode, or with some person on the premises in respect of which the taxes are payable, and in case no such person can be found, such notice shall be deemed to have been duly given if affixed upon some conspicuous part of the said premises. Any person who shall negligently or wilfully withhold any such notice shall for every such offence be liable to a penalty not exceeding *two pounds*, to be recovered by civil bill before the county court judge or recorder within whose jurisdiction such person resides by the occupier of the premises in question.

(2.) Where any such premises as aforesaid, situate within any municipal borough, are also situate within any parliamentary borough, and such premises are capable of conferring the parliamentary franchise for such parliamentary borough the notice to the occupier of such premises herein-before in this section referred to shall be in the form (Number 2) set forth in the First Schedule to this Act, or to the like effect.

(3.) This section shall apply to any such premises as aforesaid, notwithstanding that the immediate lessor or owner thereof is primarily liable to pay the taxes herein-before in this section mentioned payable out of same.

Town clerk to publish notice requiring payment of taxes.

16.—(1.) The town clerk of every municipal borough shall, on or before the *fifth day of June* in every year, publish a notice in printing or writing, according to the form (Number 3) in the First Schedule to this Act annexed, or to the like effect, stating that no person will be entitled to have his name inserted in any list of burgesses for such borough then next to be made in respect of the occupation of any such premises, as aforesaid, situate within such borough, unless on or before the *first day of July* then next ensuing all taxes which shall have become payable in respect of said premises previously to the preceding *first day of January*, and the payment of which is necessary by law to entitle him to be enrolled in the burgess roll, shall have been paid; and such notice shall accurately set forth what such taxes are.

(2.) Where the whole or part of the area of a borough within the meaning of this Act is co-extensive with or included in the area of a parliamentary borough, the notice herein-before in this section referred to shall be in the form (Number 4) set forth in the First Schedule to this Act, or to the like effect, and in the case of such parliamentary borough shall be deemed to be in lieu of the notice

referred to in the thirtieth section of the Representation of the People (Ireland) Act, 1850.

(3.) A notice by this section required to be published shall be so published by being affixed and kept in some public and conspicuous situation, near the outside of the outer door of each and all the buildings herein-after mentioned, that is to say, every town-hall, every post office and telegraph office occupied by or on behalf of Her Majesty's Postmaster General, every church, chapel, and other place of public worship, and every public or municipal office, such building (in the case of the notice herein-before in this section first mentioned [form Number 3]) being within the municipal borough, or (in the case of the notice herein-before in this section secondly mentioned [form Number 4]) being within either the municipal borough or the parliamentary borough.

Error or omission in rating not to affect qualification.

17. Where any person shall have been an occupier of any such premises as aforesaid during the period in the fourth section of the Act prescribed, and such person, being the person liable to be rated for such premises, shall have bonâ fide paid on or before the *thirty-first day of August* in such year, all poor rates which became payable in respect of said premises previously to the preceding *first day of January*, such person shall, as and from the time when his occupation of such premises commenced, be deemed to be and to have been rated to the relief of the poor in respect of such premises within the meaning of the fourth section of this Act, and shall be entitled, if otherwise qualified, to be enrolled in the burgess roll, and, when so enrolled, to be a burgess of the said borough in respect of such premises in any year, any error, omission, misnomer, misdescription, or insufficient description in any rate of the person so occupying, or of the premises so occupied, notwithstanding.

Lists of parliamentary voters and burgess lists to be made out and revised together in certain boroughs.

18. Where the area of a municipal borough is co-extensive with or included in the area of a parliamentary borough the lists of parliamentary voters for the parliamentary borough, and the burgess lists for the municipal borough, shall be made out and revised together; and the following provisions shall have effect with respect to such lists:

(1.) The list of persons entitled to be registered as voters for any such parliamentary borough in respect of the occupation of property within such borough which, by virtue of the Parliamentary Registration Acts, the town clerk of such borough is required to make out or cause to be made out on or before the twentieth of July in every year, and the lists of persons entitled to be enrolled in the burgess roll for any such municipal borough which, by

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virtue of the Municipal Corporations (Ireland) Acts, 1840 to 1888, the town clerk is required to make out on or before the twentieth day of September in every year shall, after the *passing of this Act*, no longer be made out as in said Acts prescribed. In lieu thereof the town clerk of any such borough shall, on or before *the twentieth day of July* in every year, make out or cause to be made out a list of all persons entitled under any Act or Acts for the time being in force to be registered as voters for such parliamentary borough in respect of the occupation of property situate within such borough, or entitled to be enrolled in the burgess roll for such municipal borough.

(2.) The said list shall be made out in three divisions as follows:

(*a.*) Division one shall comprise the names of the persons entitled both to be registered as parliamentary voters and to be enrolled as burgesses:

(*b.*) Division two shall comprise the names of the persons entitled to be registered as parliamentary voters, but not to be enrolled as burgesses:

(*c.*) Division three shall comprise the names of the persons entitled to be enrolled as burgesses, but not to be registered as parliamentary voters.

(3.) Every such list shall state the surname and other name or names of every person whose name is inserted therein, his place of abode, the nature of his qualification, and the situation and description of the property in respect of which he is entitled.

(4.) Every such list shall be divided into wards, and the list for each ward shall be arranged according to streets.

(5.) The list shall be signed, published, and otherwise dealt with in manner directed by the Parliamentary Registration Acts with respect to the alphabetical lists mentioned in the thirty-third section of the Representation of the People (Ireland) Act, 1850; and shall have the same effect as, and shall for all purposes whatsoever be deemed to be substituted for, the first of the three alphabetical lists in the said section directed to be made out.

(6.) The list required to be transmitted by the clerk of the union to the town clerk under the provisions of the thirty-second section of the Representation of the People (Ireland) Act, 1850, and the Acts amending the same, shall, in any such borough as aforesaid, also contain the names of persons qualified as burgesses under the provisions of this Act, and shall be made out in the form prescribed in the second, third, and fourth sub-sections of this section.

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(7.) All lists of voters, precepts, notices, and forms to be used in any such borough shall be altered so as to give effect to the provisions of this section, and the Lord Lieutenant may by Order in Council alter and amend the forms referred to in the third section of the Parliamentary Registration (Ireland) Act, 1885, so as to adapt them to the purposes of this section.

(8.) Every clerk of the peace, town clerk, clerk of union, and poor-rate collector in and for any such parliamentary borough shall, in the preparation of the lists of parliamentary voters, and in discharging the duties imposed on him by law in connexion therewith, give effect to the provisions of this section.

(9.) The Municipal Corporation (Ireland) Acts, 1840 to 1888, shall not, as to anything prior to the completion of the revision of the burgess lists, apply to any list made out in pursuance of this section; and instead thereof the Parliamentary Registration Acts shall, up to the completion of the revision of the burgess lists, apply to every such burgess list, as if it were a list of parliamentary voters made out pursuant to the provisions of those Acts: Provided as follows:

(*a.*) A person entered in division two of any such list shall not be entitled to object to any person entered in division three; and a person entered in division three shall not be entitled to objection to any person entered in division two:

(*b.*) A person entered in division two of any such list shall be entitled to object to a person entered in division one only on the ground that such last-mentioned person is not entitled to have his name inserted in such list as a parliamentary voter; and a person entered in division three of any such list shall be entitled to object to a person entered in division one only on the ground that such last-mentioned person is not entitled to have his name retained in such list as a burgess:

(*c.*) The last day for revising any such list shall be the *twenty-fifth day of October*.

(10.) Divisions one and two of the list made out in pursuance of this section shall when revised and signed by the revising barrister be delivered by him to the clerk of the peace for the parliamentary borough to be dealt with by him, together with the other revised lists of parliamentary voters for such borough (if any), in manner directed by the Parliamentary Registration Acts, with reference to the revised lists of parliamentary voters. Division three of the said list, and a duplicate copy of division one thereof shall, when revised, be signed by the revising barrister, and delivered by him to the town clerk for the municipal borough, and shall be copied for

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the burgess roll and otherwise dealt with in all respects in the same manner as, and shall for all purposes whatsoever be deemed to be substituted for, the list of burgesses referred to in the forty-seventh section of the Municipal Corporations (Ireland) Act, 1840.

(11.) The register of voters for any parliamentary borough made up from revised lists under the Parliamentary Registration Acts and this Act shall come into operation on the *first day of January* next after the revision, and shall continue in operation for the year commencing with such first day of January.

The burgess roll of burgesses for any such municipal borough as aforesaid, made up from revised lists under this section, shall come into operation on the *twenty-fifth day of November* next after the revision, and shall continue in operation for the year commencing with such twenty-fifth day of November.

(12.) Where a list is made out pursuant to the provisions of this section, the provisions of the Parliamentary Registration Acts as to appeal from the decision of the revising barrister shall apply to a decision on the revision of such list, though such decision relates exclusively to the enrolment of burgesses for the municipal borough, or the right of any person to be enrolled as a burgess; and the provisions of the said Acts as to the alteration or correction of the register in pursuance of any judgment or order of the court of appeal shall apply to the alteration or correction of the burgess roll made up from the burgess lists, as if it were a register of parliamentary voters, except that the notice of the judgment or order shall be given to the town clerk having the custody of the burgess roll, and the alteration or correction shall be made and signed by him.

(13.) This section shall not come into force or have effect until the *first day of January one thousand eight hundred and ninety-six.*

Abolition of assessors in certain municipal boroughs.

19. After the *passing of this Act* borough assessors shall not be elected in any municipal borough the area of which is co-extensive with or included in the area of a parliamentary borough.

Expenses of voters lists and revision in certain boroughs.

20. Where the area of a municipal borough is co-extensive with or included in the area of a parliamentary borough, the expenses properly incurred by the town clerk (including therein such remuneration for the clerk of the union and the rate collectors as is herein-after provided for) in carrying into effect the provisions of the eighteenth section of this Act with respect to the lists of parliamentary voters and burgess lists, and all moneys received in respect of any of those lists, or in respect of any fine imposed by the

revising barrister on the revision of the lists, shall be respectively paid and applied as follows:—

(1.) If the area of the parliamentary borough and the area of the municipal borough are co-extensive, *one half* of the expenses shall be defrayed in the manner provided by the Parliamentary Registration Acts as expenses incurred thereunder, and the other half shall be defrayed out of the borough fund, and *one half* of the moneys received as aforesaid shall be applied in the manner directed in those Acts, and the other half shall be paid to the borough fund:

(2.) In all other cases the expenses and receipts in respect of the area common to the parliamentary borough and to a municipal borough shall, as to one half thereof, be defrayed and applied as expenses and receipts under the Parliamentary Registration Acts, and shall as to the other half thereof be defrayed out of and paid to the borough fund of such municipal borough:

(3.) The expenses and receipts in respect of an area exclusively parliamentary shall be defrayed and applied as expenses and receipts under the Parliamentary Registration Acts:

(4.) Any expenses and receipts incurred or arising in respect of more than one such area shall be apportioned between the several areas in respect of which they are incurred or arise, in the proportion as nearly as may be in which the same are incurred and arise in respect of the several areas, regard being had to the number of parliamentary voters or burgesses in each area, or any other circumstances occasioning the expenses or giving rise to the receipts:

(5.) The revising barrister shall, as part of the business of the revision, determine, if necessary, in respect of what area or areas any expenses or receipts are incurred or arise, and how much thereof is attributable to each area:

(6.) The Local Government for Ireland may by order fix the remuneration to be paid to clerks of unions and poor-rate collectors for any additional duties cast upon them by the eighteenth section of this Act.

Clerk of union to supply extracts from rate-books in certain boroughs.

21. In the case of any municipal borough to which the eighteenth section of this Act does not apply, the clerk of the poor-law union comprising the whole or any part of such borough shall, within *twenty-one days* after the receipt of a written request to that effect, furnish to the town clerk of such borough a copy, certified under his hand, of all such rates and rate-books within his custody as the said town clerk shall require, for which copy the said clerk

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of the union shall be entitled to charge at a rate not exceeding *two pence* for every seventy-two words therein; and in case the said clerk of the union shall refuse or neglect to furnish such copy within the time aforesaid, he shall for every such offence forfeit a sum not exceeding *twenty pounds;* and such penalty may be recovered in a court of summary jurisdiction, and when recovered shall be paid into the borough fund of such borough.

Preparation of burgess lists in boroughs other than parliamentary boroughs.

22. In the case of any municipal borough to which the eighteenth section of this Act does not apply, such of the provisions of the Municipal Franchise Acts as relate to or affect the borough franchise in existence prior to the date of the *passing of this Act*, or the enrolment of burgesses on whom such franchise is conferred, shall, with the necessary modifications, extend and apply to the franchise conferred by the fourth section of this Act, and shall be read and construed as if in terms made applicable to same. All persons making out or revising any such lists, or preparing any burgess roll, or doing any act in relation to the same, shall have and they are hereby required to have, regard to the provisions of this Act as regards the qualification of burgesses and otherwise, as if such qualification had been prescribed in the Municipal Franchise Acts.

Qualification for municipal franchise in towns and townships.

23.—(1.) Every person who on the *twentieth day of July* in any year is and during the whole of the *three months* then last preceding has been in occupation of any house, warehouse, counting-house, shop, or other building as defined in the fourth section of this Act, or of any land or tenement within any town or township, shall, in case such occupation would, apart from the period thereof, qualify such person under the provisions of this Act to be enrolled and vote as a burgess in a municipal borough if the premises were situate in such borough be entitled to vote at any election of a member or members of the local authority for such town or township during the twelve months commencing on the *first day of September* next following the said twentieth day of July.

(2.) For the purposes of this Act the term "local authority" shall mean commissioners appointed by virtue of the Lighting of Towns (Ireland) Act, 1828, or under the Towns Improvement (Ireland) Act, 1854, and any municipal town or township commissioners appointed under any general or local Act.

Words which import the masculine

24. In this Act wherever words occur which import the masculine gender, the same shall nevertheless be held, and the word "person" shall be held, to include females for all purposes con-

nected with and having reference to the right to be enrolled and to vote as burgesses, or to vote at the election of any member or members of a local authority. A woman shall not be disqualified by marriage for being enrolled or voting as a burgess or at such elections as aforesaid: Provided that a husband and wife shall not both be qualified in respect of the same property.

Gender to include females.

25. The Acts specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule, and so much of any local and personal Act as is inconsistent with this Act is hereby repealed.

Repeal.

26. This Act shall not apply to England or Scotland.

Extent of Act.

A.D. 1895.

SCHEDULES.

FIRST SCHEDULE.

Form No. 1.

Notice to Occupier that Taxes are unpaid.

To *A.B.*,
Municipal borough of

Take notice that you will not be entitled to have your name inserted in the burgess lists for the municipal borough of , now about to be made out, in respect of the premises in your occupation in [*street or place*], unless on or before the first day of July next the taxes under mentioned, due from you in respect of said premises previously to the first day of January last amounting to £ , are paid, and in case such payment is not made as aforesaid you will be incapable of being on the next burgess roll for the said municipal borough. [*Here set forth accurately the taxes required to be paid to entitle the occupier to be enrolled in the burgess roll.*]

Dated the day of May 18 .

(Signed) *C.D.* [*Clerk, Collector of Poor Rates, or Collector General, or other person having authority to give the notice.*]

Form No. 2.

Notice that Taxes are unpaid to Occupier of Premises in Parliamentary Borough.

To *A.B.*,
Parliamentary borough of
Municipal borough of

Take notice that you will not be entitled to have your name inserted in the list of parliamentary voters for the parliamentary borough of , now about to be made out, in respect of the premises in your occupation in [*street or place*], unless on or before the first day of July next all poor rates due in

respect of said premises up to the first day of January last, amounting to £ , are paid by you or by the owner of the premises, and in case such payment is not made as aforesaid you will be incapable of being on the next register of parliamentary voters for the said parliamentary borough.

And take further notice, that you will not be entitled to have your name inserted in the burgess lists for the municipal borough of , now about to be made out, in respect of the said premises, unless on or before the said first day of July next the taxes under mentioned, due from you in respect of said premises previously to the first day of January last, and which (including the sum mentioned above as due for poor rate) amount to £ are paid, and in case such payment is not made as aforesaid you will be incapable of being on the next burgess roll for the said municipal borough. [*Here set forth accurately the taxes required to be paid to entitle the occupier to be enrolled in the burgess roll.*]

Dated this day of May 18 .

(Signed) *C.D.* [*Clerk or Collector, or Collector General, or other persons having authority to give the notice.*]

Form No. 3.

Notice to be published by the Town Clerk in a Municipal Borough only.

Municipal borough of to wit.

I hereby give notice that no person will be entitled to have his name inserted in any list of burgesses of the municipal borough of , now about to be made in respect of the occupation of any property situate within such borough, unless on or before the first day of July next all the taxes herein-after mentioned, which have become payable in respect of those premises previously to the first day of January last past, shall have been paid, and in case such payments are not made as aforesaid such persons will be incapable of being upon the next burgess roll for this borough in respect of those premises.

Dated this day of 18 .

(Signed) *A.B., Town Clerk of said Borough.*

The taxes required to be paid to entitle the occupier of any premises to be enrolled in the burgess roll are [*poor rates, borough rate, or otherwise as the case may be*].

A.D. 1895.

Form No. 4.

Notice to be published by the Town Clerk in a Parliamentary and Municipal Borough.

Parliamentary borough of to wit. } I hereby give notice that no person will be entitled to have his name inserted in any list of parliamentary voters for the parliamentary borough of , now about to be made, in respect of the occupation of premises rated under the last rate for the relief of the destitute poor separately or together at a net annual value of 10*l.* or upwards, or in the case of joint occupiers 10*l.* or upwards for each of such joint occupiers, or as inhabitant occupier of a dwelling-house, unless on or before the first day of July next all the poor rates (if any) due in respect of such premises before the first day of January last past shall have been paid; and in case such payments are not made as aforesaid such persons will be incapable of being upon the next register of parliamentary voters for this borough in respect of those premises.

Municipal borough of to wit. } And I hereby give further notice that no person will be entitled to have his name inserted in any list of burgesses of the municipal borough of , now about to be made, in respect of the occupation of any property situate within such borough, unless on or before the said first day of July next all the taxes herein-after mentioned, which have become payable in respect of those premises previously to the first day of January last past, shall have been paid, and in case such payments are not made as aforesaid such persons will be incapable of being upon the next burgess roll for this borough in respect of those premises.

Dated this day of 18 .

(Signed) *A.B., Town Clerk of said borough.*

The taxes required to be paid to entitle the occupier of any premises to be enrolled in the burgess roll are [*poor rates, borough rate, or otherwise, as the case may be*].

SECOND SCHEDULE.

A.D. 1895.

Enactments Repealed.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
9 Geo. 4. c. 82. -	The Lighting of Towns (Ireland) Act, 1828.	Section sixteen, from the beginning down to "the afore-mentioned qualification."
3 & 4 Vict. c. 108.	The Municipal Corporations (Ireland) Act, 1840.	Sections thirty to thirty-two and thirty-four to thirty-eight.
6 & 7 Vict. c. 93.	The Municipal Corporations (Ireland) Act, 1843.	Sections two, three, and twenty-seven.
12 & 13 Vict. c. 85.	An Act to amend an Act for the Regulation of Municipal Corporations in Ireland so far as relates to the Borough of Dublin.	Sections two to seven and sections ten to thirteen.
17 & 18 Vict. c. 103.	The Towns Improvement (Ireland) Act, 1854.	Section twenty-two.
48 Vict. c. 9. -	Municipal Voters Relief Act, 1885 -	The whole Act.
50 & 51 Vict. c. cxviii. (local).	Municipal Corporation of Belfast Act, 1887.	The whole Act.
54 & 55 Vict. c. cxliv. (local).	Municipal Registration (Dublin and Belfast) Act, 1891.	The whole Act.

Municipal Franchise (Ireland).

A

B I L L

To amend the Law relating to the Municipal Franchise in Ireland.

(*Prepared and brought in by*
Mr. T. M. Healy, Mr. Justin McCarthy,
Mr. Thomas B. Curran, Mr. O'Keefe,
Mr. Pinkerton, and Mr. Carvill.)

Ordered, by The House of Commons, *to be Printed,*
8 *February* 1895.

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[Bill 5.]

A

B I L L

TO

Enable Municipal Corporations to provide for Superannuation Funds for their Officers and Persons in their Service. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Power to establish superannuation funds.

1. The Corporation of a Municipal Borough may establish a fund (in this Act called a superannuation fund) for the purpose of providing payments to their officers or persons in their service on their retirement or discharge from office or service, or to their representatives on death.

Power to make schemes for regulating superannuation funds.

2. Where a superannuation fund is established under this Act, the Corporation may make a scheme for the regulation of that fund, and may (subject to the provisions of this Act) by that scheme—

(1.) Define the persons qualified to contribute to the fund and the conditions on which those contributions are to be made, and, if they think fit, divide the contributors into classes and provide for change from one class to another.

(2.) Fix the amount of the contributions.

(3.) Fix an age for retirement from office or service, and to provide for such retirement unless otherwise consented to by the Corporation.

(4.) Fix the payments to be made to contributors out of the fund, distinguishing the payments to be made—

(*a*) on retirement from office or service at or after the age of retirement fixed by the scheme;

(*b*) on retirement from office or service before that age;

(*c*) on death while in office or in the service of the Corporation;

(*d*) on discharge from office or service.

A.D. 1895.

(5.) Provide for those payments being made either by a capital sum or by an annuity, or otherwise as they think fit.

(6.) Provide for the management of the superannuation fund either by the council of the borough, or by managers chosen from members of the council of the borough and representatives of the contributors, or in such other manner as they think fit.

(7.) Regulate the investment of the fund.

(8.) Fix the amounts to be contributed by the Corporation to the fund.

(9.) Make special provisions for allowing any person who is an officer or in the service of the Corporation at the time of the establishment of the fund to become a contributor thereto.

(10.) Under what circumstances and conditions temporary advances may be made to contributors to the superannuation fund out of the sums contributed by them.

(11.) Generally make such other provisions, conditions, and regulations with regard to the fund as they think fit.

Power to make conditions of service.

3. The Corporation may make contribution to their superannuation fund a condition of office or service for any person becoming an officer or entering the service of the Corporation after the establishment of the fund.

Conditions as to payments out of superannuation fund.

4.—(1.) If a contributor is dismissed from the service of the Corporation on account of any fraud, dishonesty, or misconduct, involving pecuniary loss to the Corporation or leaves the service of the Corporation to escape such dismissal, or dies having been guilty of any such fraud, dishonesty, or misconduct, he shall forfeit all claim to any payment out of the superannuation fund, and shall not be entitled to any return of his contributions thereto, except such return (if any) as the Corporation in their absolute discretion think fit to make.

(2.) Subject to the foregoing provision, the payments to be made out of the superannuation fund on the retirement, discharge, or death of a contributor shall not be less than the amount of his contributions made from time to time, with compound interest thereon at the rate prescribed or provided by the scheme, not being less than *three* per cent.

Financial provisions.

5.—(1.) The Corporation may contribute to the superannuation fund of their borough such sums as they think fit, but the amount so contributed by the Corporation to the fund shall not exceed in any year the amount contributed in that year by other contributors.

A.D. 1895.

(2.) The expenses of the management of the superannuation fund, and any other expenses incurred in respect thereof, shall be paid out of that fund.

(3.) If the moneys standing to the credit of the superannuation fund are at any time inadequate to make the payments to which contributors are entitled out of the fund under this Act, or any scheme made thereunder, or to defray the expenses connected with the fund, the deficiency shall from time to time be made good by the Corporation.

(4.) Any contribution made by the Corporation under this section to the superannuation fund, and any expenses incurred by them under this section for the purpose of meeting a deficiency in that fund, shall be paid by them as they think fit, either out of the borough fund or rate, or out of any other fund or rate applicable for the purpose of the sanitary or other expenses of the borough, or out of any two or more of those funds or rates in such proportion as the Corporation determine.

(5.) Full accounts shall be kept of all payments to or out of the superannuation fund, and those accounts shall be audited in like manner and subject to the same provisions as other accounts of the Corporation.

Periodical valuation of superannuation fund.

6.—(1.) The Corporation shall cause a periodical valuation of the superannuation fund to be made on an actuarial basis after every period of *five years*, or after such shorter periods as they may determine, and shall provide for any alteration of their scheme (not prejudicing thereby persons who then are contributors) as the result of any such periodical valuation may show to be expedient.

(2.) If on any such periodical valuation it appears that the amount standing to the credit of the fund is largely in excess of the liabilities thereof as appearing under the valuation, the Corporation, without prejudice to their general powers of altering their scheme, shall have power to increase in any respect the scale of payments to which persons who are then contributors are entitled thereunder, but if any such increase is made the sums (if any) previously paid by the Corporation under this Act to supply any deficiency in the fund shall be repaid out of the fund to the Corporation, and applied by them in aid of the fund or rate out of which these sums were originally raised.

Alteration of scheme.

7. The Corporation may, subject to the provisions of this Act, alter any scheme made by them thereunder, but a person who is a contributor to the scheme at the time of the alteration, or his

A.D. 1895.

representatives shall not by reason of any such alteration be placed in a worse position than if the alteration had not been made.

Payment of small sums on death without probate.

8. Where on the death of a contributor to the superannuation fund any payment is to be made out of that fund not exceeding *one hundred pounds* in amount to his representative, probate or other proof of the title of the personal representative of the deceased may be dispensed with, and the payment may be made to or distributed among the persons appearing to the managers of the fund to be entitled to the personal estate of the deceased, or to or among any one or more of the persons appearing to be so entitled, or, in the case of the illegitimacy of the deceased, to or among such persons as the managers of the fund think fit, and the Corporation and the managers of the fund shall be absolutely discharged from all liability in respect of any payment so made or distributed.

Notice of trusts not received, and receipt to be an absolute discharge.

9.—(1.) The Corporation and the managers of any superannuation fund under this Act shall not be bound to recognise or see to the execution of any assignment of charge on or trust (whether express, implied, or constructive) relating to any contributions to the fund, or any payments to be made thereout.

(2.) The receipt of the contributor or his personal representatives or any persons to whom payments may be made out of a superannuation fund under this Act shall be an absolute discharge to the Corporation or the managers of the fund, notwithstanding any such assignment, charge, or trust, as aforesaid, and notwithstanding that the Corporation have had notice, express or implied of any such assignment, charge, or trust.

Short title and extent.

10.—(1.) This Act may be cited as the Municipal Superannuation Funds Act, 1894.

(2.) This Act shall extend to England and Wales.

Municipal Superannuation.

A

B I L L

To enable Municipal Corporations to provide for Superannuation Funds for their Officers and Persons in their service.

(*Prepared and brought in by Sir Albert Rollit and Sir Thomas Roe.*)

Ordered, by The House of Commons, *to be Printed*, 20 *February* 1895.

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[Bill 134.]

National Assemblies and Imperial Federation Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
2. Commencement of Act.

Legislative Authority.

3. Establishment of National Assemblies.
4. Powers of National Assemblies.
5. Exceptions from powers of National Assemblies.
6. Restrictions on powers of National Assemblies.

Executive Authority.

7. Executive power in England, Ireland, Scotland, and Wales.
8. Executive Committee in each country.

Constitution of National Assemblies.

9. Constitution of National Assemblies.

Imperial Authority.

10. Establishment of Imperial Parliament.
11. Powers of Imperial Parliament.

Constitution of Imperial Parliament.

12. Composition of Imperial Chamber.
13. Composition of Imperial Senate.
14. Restrictions as to Revenue Bills.
15. As to qualifications for Imperial Parliament.
16. Compensation of members.
17. Veto of Imperial Parliament.

Extension of Act.

18. Extension to other parts of Empire.
19. Application of extension.
20. Financial arrangements.

A

B I L L

TO

Establish National Assemblies and Imperial Federation. A.D. 1895.

WHEREAS the Imperial Parliament as at present constituted is unable to adequately deal with the great amount of public and private business brought before it, whereby the legislation of the country is seriously impeded:

And whereas the people of Great Britain and Ireland desire to obtain a largely extended system of local self-government:

And whereas many of Her Majesty's dominions, colonies, dependencies, and settlements have no direct representation in Her Majesty's Government:

And whereas it is expedient for the advantage and welfare of the Empire that a largely extended system of local self-government should be applied to the United Kingdom, and that the right to direct representation in the Imperial Parliament should be afforded to all parts of Her Majesty's dominions, and that all legislative bodies within the Empire should be chosen by popular election:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

Short title. **1.** This Act may be cited as the National Assemblies and Imperial Federation Constitution Act, 1895.

Commencement of Act. **2.**—(1.) This Act shall come into operation immediately upon the dissolution of the present Parliament.

(2.) Within *thirty days* after the passing of this Act, Parliament as at present constituted, comprising the House of Lords and the House of Commons, shall be dissolved.

Legislative Authority.

Establishment of National Assemblies. **3.** On and after the *passing of this Act* there shall be in each of the four countries comprising the United Kingdom of Great Britain and Ireland, and known respectively as England, Ireland, Scotland,

A.D. 1895.

and Wales, an Assembly consisting of a single house constituted and elected in the manner herein-after enacted, and such Assemblies shall be styled respectively the English National Assembly, the Irish National Assembly, the Scotch National Assembly, and the Welsh National Assembly.

Powers of National Assemblies.

4. With the exceptions and subject to the restrictions in this Act mentioned, there shall be granted to the National Assemblies of England, Ireland, Scotland, and Wales respectively power to make laws for the peace, order, and good government of England, Ireland, Scotland, and Wales respectively, in respect of matters exclusively relating to the same or some part thereof: Provided that, notwithstanding anything in this Act contained, the supreme power and authority of the Imperial Parliament as herein-after constituted shall remain unaffected and undiminished over all persons, matters, and things within the Queen's dominions.

Exceptions from powers of National Assemblies.

5. The National Assemblies shall not have power to make laws in respect of the following matters or any of them :—

(1.) The Crown or the succession to the Crown or Regency, or the Lord Lieutenant or Governor as representative of the Crown; or

(2.) The making of peace or war or matters arising from a state of war; or

(3.) Navy, army, militia, volunteers, and any other military forces, or the defence of the realm, or forts, permanent military camps, magazines, arsenals, dockyards, and other needful buildings or any places purchased for the erection thereof; or

(4.) Treaties or any relations with foreign States, or the relations between different parts of Her Majesty's dominions, or offences connected with such treaties or relations, or procedure connected with the extradition of criminals under any treaty; or

(5.) Dignities or titles of honour; or

(6.) Treason, treason felony, alienage, or naturalisation; or

(7.) Trade with any place out of England, Ireland, Scotland, and Wales respectively; or quarantine or navigation, including merchant shipping (except as respects inland waters and local health or harbour regulations); or

(8.) Lighthouses, buoys, or beacons within the meaning of the Merchant Shipping Act, 1854, and the Acts amending the same (except so far as they can consistently with any general Act of Parliament be constructed or maintained by a local harbour authority); or

(9.) Coinage, legal tender, or any change in the standard of weights and measures; or

(10.) Trade marks, designs, merchandise marks, copyright, or patent rights; or

(11.) The Post Office and Postal Telegraph Service.

Any law made in contravention of this section shall be void.

Restrictions on powers of the National Assemblies.

6. The powers of the National Assemblies shall not extend to the making of any laws—

(1.) Respecting the establishment or endowment of religion, whether directly or indirectly, or prohibiting the free exercise thereof; or

(2.) Imposing any disability or conferring any privilege on account of religious belief; or

(3.) Whereby any person may be deprived of life, liberty, or property without due process of law in accordance with settled principles and precedents, or may be denied the equal protection of the laws, or whereby private property may be taken without just compensation; or

(4.) Whereby any existing corporation incorporated by Royal Charter, or by any local or general Act of Parliament, may, unless it consents, be deprived of its rights, privileges, or property without due process of law in accordance with settled principles and precedents, and, so far as respects property, without just compensation (not being a corporation raising for public purposes taxes, rates, cess dues, or tolls, or administering funds so raised); or

(5.) Whereby any inhabitants of the Empire may be deprived of equal rights as respects public sea fisheries.

Any law made in contravention of this section shall be void.

Executive Authority.

Executive power in England, Ireland, Scotland, and Wales.

7. The executive power in England, Ireland, Scotland, and Wales respectively shall continue vested in Her Majesty the Queen, and the Lord Lieutenant, or other chief executive officer or officers for the time being appointed in his place in each respective country, on behalf of Her Majesty, shall exercise any prerogatives or other executive power of the Queen the exercise of which may be delegated to him by Her Majesty, and shall in Her Majesty's name summons at least once in every year, prorogue, and dissolve the National Assembly; and every instrument conveying any such delegations of any prerogative or other executive power shall

A.D. 1895.

be presented to the National Assembly as soon as conveniently may be.

Executive Committee in each country.

8. There shall be an Executive Committee of the Privy Council of England, Ireland, Scotland, and Wales respectively to aid and advise in the government of each country, being of such numbers and comprising persons holding such offices under the Crown as Her Majesty, or, if so authorised, the Lord Lieutenant or Governor of each country respectively may think fit, save as may be otherwise directed by an Act of the National Assembly.

Constitution of National Assemblies.

Constitution of National Assemblies.

9. The National Assemblies shall be constituted as follows:—

(1.) The English National Assembly shall consist of four hundred and sixty-one members returned by the existing parliamentary constituencies in England, or the existing divisions thereof:

(2.) The Irish National Assembly shall consist of two hundred and six members returned by the existing parliamentary constituencies in Ireland, or the existing divisions thereof:

(3.) The Scottish National Assembly shall consist of one hundred and forty-four members returned by the existing parliamentary constituencies in Scotland, or the existing divisions thereof:

(4.) The Welsh National Assembly shall consist of one hundred and two members returned by the existing parliamentary constituencies in Wales, or the existing divisions thereof:

(5.) Every person shall be entitled to be registered as an elector and, when registered, to vote at an election of a member of Parliament for a constituency, who is of the age of twenty-one years or upwards, and has been born or naturalised within the Queen's dominions, and has resided within the said constituency for a period of not less than *three months* within the year immediately preceding the time of such election; provided that a person shall not be entitled to be registered, nor, if registered, to vote at an election of a member of the National Assembly in more than one constituency in the same year:

(6.) The first National Assembly for England, Ireland, Scotland, and Wales respectively shall be elected on the *tenth Wednesday* after this Act comes into operation, and shall be summoned to meet within *fourteen days* after such election:

(7.) The English, Irish, Scottish, and Welsh National Assemblies respectively when summoned may, unless sooner dissolved, have continuance for *four years* from the date on which the summons directs it to meet, and no longer:

(8.) The National Assemblies may provide for the alteration of the constituencies, but so that no such alteration shall take effect within *four years* from the passing of this Act, and provided that in such distribution due regard is had to the population of the constituencies.

Imperial Authority.

Establishment of Imperial Parliament.

10. On and after the *passing of this Act* there shall be an Imperial Parliament consisting of two Houses, the Imperial Chamber and the Imperial Senate.

Powers of Imperial Parliament.

11. With the exception of and subject to the powers herein granted to the National Assemblies of England, Ireland, Scotland, and Wales respectively, there shall be vested in the Imperial Parliament all the powers heretofore vested in and exercised by the present existing Parliament of the United Kingdom of Great Britain and Ireland.

Constitution of Imperial Parliament.

Constitution of Imperial Chamber.

12.—(1.) The Imperial Chamber shall in the first instance consist of two hundred and fifty members elected from England, Ireland, Scotland, and Wales, which members may be increased by representatives elected from other countries, colonies, settlements, and dependencies of the Empire as may be hereafter agreed upon and enacted.

(2.) The countries of England, Ireland, Scotland, and Wales shall be divided into equal electoral districts containing each one hundred and fifty thousand inhabitants or thereabouts, and each of such electoral districts shall return one member to the Imperial Chamber.

(3.) The census taken under the direction of the Imperial Government in the year one thousand eight hundred and ninety-one, and every *ten years* thereafter, shall be the basis of fixing and adjusting the said electoral districts, and the Imperial Parliament shall at its first session after each census adjust such districts and re-apportion the representation so as to preserve them as near equal in population as may be. In the first Imperial Chamber elected on the basis of the census of one thousand eight hundred and ninety-one England shall have one hundred and eighty-three members, Ireland thirty-one members, Scotland twenty-six members, and Wales ten members.

(4.) The Imperial Chamber when summoned may, unless sooner dissolved, have continuance for *four years* from the day on which the summons directs it to meet, and no longer.

A.D. 1895.

Constitution of Imperial Senate.

13.—(1.) The Imperial Senate shall in the first instance consist of forty members, to be elected in equal proportions by the electors of England, Ireland, Scotland, and Wales respectively, which number may be increased by representatives elected from other countries, colonies, settlements, and dependencies, of the Empire.

(2.) The term of office shall be for *eight years*, and shall not be affected by a dissolution, but one half of the members elected in the first instance shall retire at the end of *four years*, and their seats shall be filled at a new election.

(3.) For the purpose of the election of the Imperial Senate each country shall be divided as near as may be into ten equal electoral districts.

Restriction as to Revenue Bills.

14. All Bills for raising revenue shall originate as heretofore in the Imperial Chamber, following the custom in the present House of Commons, but the Imperial Senate may propose and concur in amendments as on other Bills.

Qualifications for Imperial Parliament.

15.—(1.) Every person who has attained the age of twenty-one years and upwards, and who was born or has since been naturalised within the Queen's dominions, shall be deemed to be and be called a citizen of the Empire, and all citizens as such shall have, except as hereafter enacted, equal rights, privileges, liberties, and obligations.

(2.) Every citizen shall be entitled to be registered as an elector and, when registered, to vote at an election of a member to the Imperial Parliament for that electoral district, country, colony, settlement, or dependency within which he has resided for a period of not less than *three months* during the twelve months immediately preceding such election; provided that a person shall not be entitled to be registered to vote at such election in more than one district, country, colony, settlement, or dependency within the same year.

(3.) Every citizen shall be eligible for election as a member of any National Assembly and of the Imperial Chamber who shall be at the time of election an inhabitant of the country for which chosen.

(4.) Every citizen shall be eligible for election as a member of the Imperial Senate who, after having attained the age of twenty-one years, has been for *nine years* a resident in the Empire.

Compensation of members.

16. *The members of both Houses of the Imperial Parliament shall receive a compensation for their services to be hereafter fixed by law, and paid out of the Imperial Treasury.*

A.D. 1895.

Vote of Imperial Senate.

17.—(1.) All Bills passed by the National Assemblies of England, Ireland, Scotland, and Wales respectively shall, before they become law and have any force or effect, be submitted to and passed by the Imperial Senate and receive the assent of Her Majesty the Queen.

(2.) All Bills passed by the National Assemblies as aforesaid shall be deposited immediately thereafter with the clerk to the Imperial Senate and be open to the inspection of every member of the Imperial Senate.

(3.) Within a period of not less than *one month* nor more than *two months* after such Bills have been deposited, providing the Imperial Parliament shall have been sitting not less than *one month*, the clerk of the House shall read such Bills three times, that is to say, at three different sittings of the House, and all such Bills shall thereupon be passed without any vote of the House, save and except some member thereof shall move and some other member thereof shall second a motion in one or other of the forms as following; that is to say,

(*a.*) That in the opinion of this House the Bill now read usurps the Imperial prerogative; or

(*b.*) That in the opinion of this House the Bill now read is repugnant to the fundamental principles of the Imperial constitution.

In case any one of the motions in the form as aforesaid is voted for *twice* at an interval of not less than *one month* or more than *two months* by a majority of the members of the House then present the Bill to which such motion refers shall not pass and shall be void.

Extension of Act to other portions of Empire.

18. Every country, colony, settlement, and dependency of the Empire shall have the right to send representatives to the Imperial Parliament in such proportion and upon such terms and conditions as may hereafter be agreed upon between the Imperial Parliament and the National Assembly, or other legislative body of such country, colony, settlement, or dependency.

Application of extension.

19. Within *six years* of the passing of this Act the Imperial Parliament shall take into consideration the establishment of a National Assembly for those countries, colonies, settlements, and dependencies of the Empire in which a National Assembly or legislative body does not then exist, and the direct representation of such countries, colonies, settlements, and dependencies in the Imperial Parliament upon specified and agreed upon terms and conditions.

A.D. 1895.

Financial arrangements.

20.—(1.) Special Commissioners shall be appointed by the Queen in Council, who shall (subject as herein-after mentioned) fix, determine, and revise the contribution to the Imperial liabilities and expenditure from those countries, colonies, dependencies, and settlements who shall now or hereafter send representatives to the Imperial Parliament in the manner as aforesaid.

(2.) The Special Commissioners shall inquire into the whole of the financial arrangements between the Imperial Treasury and the various countries, colonies, settlements, and dependencies contributing thereto, with a view to the same being adjusted on an equitable basis, and shall embody the decisions at which they arrive in a report to be presented to the Imperial Parliament for consideration and adoption.

(3.) Where the Imperial Parliament imposes taxes for the purpose of war, or of any special expenditure which Parliament declares to be war expenditure, or to be extraordinary expenditure for the defence of the Empire, the revenue from those taxes which shall be collected in the several countries, colonies, settlements, and dependencies represented therein shall be paid into the Imperial exchequer.

(4.) All taxes for Imperial purposes raised within those countries hitherto collectively known as the United Kingdom of Great Britain and Ireland shall be imposed upon an equal and common basis and be collected by the officers of the Imperial Government.

National Assemblies and Imperial Federation.

A

B I L L

To establish National Assemblies and Imperial Federation.

(*Prepared and brought in by Mr. Burnie, Mr. Dalziel, Mr. Lloyd-George, and Mr. Randell.*)

Ordered, by The House of Commons, *to be Printed,* 8 *February* 1895.

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[Bill 49.]

Naturalization (Residence Abroad) Bill. [H.L.]

MEMORANDUM.

Under the Naturalization Act, 1870, an alien who has been in the service of the Crown for a term of not less than five years, and intends when naturalized to serve under the Crown, can, although resident out of the United Kingdom, be naturalized as a British subject.

Section 10 of the above Act is as follows :—

"The following enactments shall be made with respect to the "national status of women and children . . . . .

"(5.) Where the father, or the mother being a widow, has "obtained a certificate of naturalization in the United King- "dom, every child of such father or mother who during "infancy has become resident with such father or mother "in any part of the United Kingdom, shall be deemed to be a "naturalized British subject."

Neither the above sub-section (5), nor any other part of section 10, makes any provision respecting the child if the father or mother, though in the service of the Crown, is resident out of the United Kingdom.

The object of the Bill is to make that provision.

A

B I L L

INTITULED

An Act to amend the Naturalization Act, 1870, so far as respects Children of Naturalized British Subjects in the service of the Crown resident out of the United Kingdom. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of 33 & 34 Vict. c. 14. s. 10. as respects children of naturalized British subjects resident abroad.

1.—(1.) The residence of a child of a naturalized British subject with his father while in the service of the Crown out of the United Kingdom, shall have, and be deemed always to have had, the same effect, for the purpose of subsection five of section ten of the Naturalization Act, 1870, as residence with such father in the United Kingdom.

(2.) Subsection five of section ten of the Naturalization Act, 1870, shall have effect as if the words "or with such father while in the service of the Crown out of the United Kingdom" had been inserted therein after the words "part of the United Kingdom," and every copy of the Naturalization Act, 1870, hereafter printed may be printed accordingly.

Short title.

2. This Act may be cited as the Naturalization Act, 1895.

Naturalization (Residence Abroad).

[H.L.]

A

B I L L

INTITULED

An Act to amend the Naturalization Act, 1870, so far as respects Children of Naturalized British Subjects in the service of the Crown resident out of the United Kingdom.

(*Brought from the Lords* 4 *July* 1895.)

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[Bill 338.]

A

B I L L

TO

Make provision for the Construction of Works in the United Kingdom and elsewhere for the purpose of the Royal Navy, and to amend the Law relating to the Acquisition of Land for Naval Purposes. A.D. 1895.

WHEREAS it is expedient to make provision for the construction of the works specified in the schedule to this Act both in the United Kingdom and in the colony in the schedule mentioned:

And whereas by the Defence Act, 1842, and the enactments amending the same (in this Act referred to as the Defence Acts), and by the Military Lands Act, 1892, powers are conferred on a Secretary of State for the acquisition of land for the defence of the realm, and for the military purposes of any portion of Her Majesty's military forces, and it is expedient to extend those Acts to the Admiralty and Her Majesty's naval forces: 5 & 6 Vict. c. 94. 55 & 56 Vict. c. 43.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Admiralty may forthwith proceed to construct the works as specified in the schedule to this Act at the places therein mentioned, and for that purpose may acquire such lands and execute such works as they may deem expedient. Power for Admiralty to construct scheduled works.

2. With a view to the purchase of land in the United Kingdom for the purposes of this Act, or for any purpose of Her Majesty's Navy, the Defence Acts, and the Military Lands Act, 1892, except so far as it relates to a volunteer corps, shall have effect as if they were herein re-enacted with the substitution of the Admiralty for a Secretary of State, and for the principal officers of Her Majesty's Ordnance, and for the Ordnance Department, and of naval for military, and naval service for ordnance service. Powers of Admiralty as to purchase of land. 5 & 6 Vict. c. 94. 36 & 37 Vict. c. 72. 55 & 56 Vict. c. 43.

[Bill 173.]

A.D. 1895.

27 & 28 Vict. c. 57.
5 & 6 Vict. c. 94.

(2.) All land acquired by the Admiralty in pursuance of this Act shall vest and be managed under the Admiralty Lands and Works Act, 1864, and sections nine to nineteen of that Act shall apply accordingly, and the provisions of the Defence Act, 1842, for the like purpose shall not apply.

Issue of money out of Consolidated Fund for expenses of scheduled works.

3. The Treasury shall issue out of the Consolidated Fund or the growing produce thereof such sums not exceeding in the whole the sum of *one million pounds* as may be required by the Admiralty for executing the works as specified in the schedule to this Act.

Restrictions on applications of money issued.

4.—(1.) Before any moneys are issued for the purpose of expenditure under any one of the heads in the schedule to this Act, the Admiralty shall submit to the Treasury an estimate, with such details as may be required by the Treasury, of the expenditure under that head for which it is for the time being proposed to issue money.

(2.) There shall be no excess of any expenditure proposed by the estimate under any head in the schedule above the amount stated for that head in the schedule, unless the Admiralty previously certify that the excess will be compensated by a saving under some other head, and that the excess will not cause the total expenditure to exceed the total sum specified in the schedule, and the Treasury are satisfied that the certificate is correct, and sanction the expenditure, and upon such sanction being given the said saving may be applied towards the payment of the said excess.

Borrowing to raise money for purposes of Act.

5.—(1.) The Treasury may, if they think fit, at any time for the purpose of providing money for sums to be issued out of the Consolidated Fund under this Act, or repaying to that fund all or any part of the sums so issued, borrow money by means of terminable annuities for such period not exceeding *thirty years* from the passing of this Act as the Treasury may fix and all sums so borrowed shall be paid into the Exchequer.

(2.) The said annuities shall be paid out of the moneys annually provided by Parliament for naval services; and, if those moneys are insufficient, shall be charged on and paid out of the Consolidated Fund or the growing produce thereof, but shall not be payable as part of the permanent annual charge for the National Debt.

Accounts of expenditure.

6.—(1.) The Admiralty shall cause to be made out an account, in the form required by the Treasury, showing :—

(*a*) the money expended in pursuance of this Act, and the purposes on which that money was expended, distinguishing the

expenditure under each of the heads in the schedule to this Act; and

(*b*) any securities created for providing such money.

(2.) The accounts of expenditure under this Act shall be audited and reported upon by the Comptroller and Auditor General as appropriation accounts in manner directed by the Exchequer and Audit Departments Act, 1866.

A.D. 1895.

29 & 30 Vict. c. 39.

7. This Act may be cited as the Naval Works Act, 1895.

Short title.

SCHEDULE.

HEADS OF PROPOSED EXPENDITURE.

Station.	Name of Work.	Amount proposed to be expended between the 31st March 1895 and 1st April 1896.
		£
(*a.*) *Enclosure and Defence of Harbours against Torpedo Attack.*		
Gibraltar	Completion of present mole	*30,000*
	Extension of ditto	*80,000*
	Detached mole	*75,000*
	Deepening harbour	*10,000*
Portland	Breakwater	*90,000*
(*b.*) *Adapting Naval Ports to present Needs of Fleet.*		
Portsmouth, Chatham, Devonport, Haulbowline	Deepening harbours and approaches	*300,000*
Keyham	Dockyard extension	*80,000*
Portsmouth	Docks	*150,000*
Gibraltar	Dock	*80,000*
(*c.*) *Naval Barracks, &c.*		
Chatham	New naval barracks	*50,000*
Walmer	Royal Marine depôt (extension)	*20,000*
Keyham	Engineers' College (extension)	*20,000*
(*d.*) *Superintendence and Miscellaneous Charges*		*15,000*
		1,000,000

Naval Works.

A

B I L L

To make provision for the Construction of Works in the United Kingdom and elsewhere for the purpose of the Royal Navy, and to amend the Law relating to the Acquisition of Land for Naval Purposes.

(*Prepared and brought in by Mr. Mellor, Mr. Chancellor of the Exchequer, Sir Ughtred Kay-Shuttleworth, and Mr. Robertson.*)

Ordered, by The House of Commons, *to be Printed*, 19 *March* 1895.

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[Bill 173.]

Occupying Tenants Enfranchisement Bill.

MEMORANDUM.

The object of this Bill is to facilitate occupiers becoming the owners of the freeholds of the land and houses they occupy for residential or for trade purposes.

This is carried out in two ways, namely, first by giving the occupying tenant the right to purchase the freehold, and second, by giving freeholders—part of whose property has been purchased by occupying tenants—the right to require the local authority to take the adjacent portions and to offer them to the occupiers.

Occupying Tenants.

The first part of the Bill refers to occupying tenants who are defined as those who actually occupy the premises and who hold a lease of 20 years unexpired, or who have, or whose parents have occupied the premises for at least 20 years with or without a lease. Such persons by a simple process at the county court can get the value of the freehold fixed, they paying the costs (which are fixed by the Bill), and five per cent. for compulsory purchase.

When the title is good and when the freehold and sub-lessors who are interested in the holding agree as to the division of the purchase money, the occupying tenant pays the purchase money into court; the court divides it and issues a certificate of purchase to the occupying tenant who becomes the freeholder.

When the title is not good or when the freeholder and sub-lessors cannot agree in the division of the purchase money, then the court under the Bill issues a certificate of purchase at rentcharge to the occupying tenant, who becomes the freeholder, subject to the payment either of the rents named in the leases or sub-leases as they become operative or four per centum on the purchase money whichever is the greater.

Leaseholders can only enfranchise under this Bill if they are also occupying tenants, the aim of the Bill being not to get rid of the present freeholder and put a middleman in his place, but simply to enable those actually occupying and using the land and premises to become their own freeholders.

Freeholders selling to Local Authorities.

This is carrying out the idea suggested in the report of the Town Holdings Committee, that local authorities should under certain conditions themselves purchase and re-sell to occupiers.

The Bill provides that any freeholder, part of whose property has been taken by an occupying tenant under this Bill, shall have the right to require the local authority (the county council) to purchase the adjacent property belonging to him. The adjacent property is defined as the remainder of the street, road, square, &c.

The value of the property, the Bill provides, shall be fixed in a similar way to that in the first part of the Bill, except that no allowance is to be made for compulsory sale, and the costs (fixed by the Bill) are to be paid by the local authority.

When purchased the local authority is to offer each holding at a price just sufficient to cover the cost and all reasonable expenses to each occupier, however long or however short a time he may have been an occupier. Occupiers purchasing may pay the purchase money by instalments over fifteen years or take the holding by perpetual rentcharge. Occupiers who do not purchase become tenants of the local authorities.

Freeholders may also under the Bill sell the rentcharges created under the Bill to the local authority.

Restrictive Covenants.

The Bill provides that all restrictive covenants which concern the property in common with adjoining occupiers or owners are to be maintained and are to be enforced by the local authority.

Persons not qualified to benefit by the Bill.

The Bill excludes clergymen, ministers, officials, managers, and those who occupy their employers' property, also those who reside in portions of holdings and flats, and persons who occupy from the charity of others, from claiming the benefit of the Bill.

Subsequent Dealings with Enfranchised Holdings.

The Bill provides a simple and cheap way of subsequently dealing with enfranchised holdings through the agency of the court and at a fixed fee.

Occupying Tenants Enfranchisement Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. Interpretation of terms.

Occupying Tenants.

4. Occupying tenant may acquire reversion by purchase.
5. Power to acquire reversions concurrently.
6. Occupying tenant may purchase reversions by agreement.
7. Notice by occupying tenant of intention to acquire freehold.
8. Action in case of improper application.
9. Action when application proved and all parties agree in price of holding.
10. Action if valuation not approved by freeholder or sub-lessors.
11. Action if second valuation not approved for final decision of value.
12. Payment of purchase money into court and issue of certificate of purchase.
13. Distribution of purchase money.
14. Action when title cannot be readily proved or dispute in the division of the purchase money.
15. Action when title cannot be proved or dispute in the division of the purchase money cannot be overcome—issue of certificate of purchase by rentcharge.
16. Deposit to be returned on issue of certificate of purchase by rentcharge.
17. Certificate of purchase or certificate of purchase by rentcharge equal to fee simple.

Freeholders selling to Local Authorities.

18. Freeholder may require local authority to purchase adjacent property or rentcharge.

Clause.
19. Local authority to take action to verify freeholder's application.
20. Local authority's action concerning title.
21. Action in defective title.
22. Action if title satisfactory and price approved.
23. Action when value cannot be agreed to.
24. Payment to freeholder.
25. All freeholds purchased by local authority to be offered to occupiers.
26. Mode of procedure for purchase by occupiers from local authority.
27. Purchase by occupiers from local authority may be by instalments.
28. Occupiers who do not purchase from local authority.
29. Local authority may borrow for this Act.

Mode of assessing Values.

30. Considerations for assessment of purchase money.

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31. Restrictive covenants, which are and which are not to be observed.
32. Local authority to enforce covenants.

Scale and Regulation of Fees.

33. Scale of law costs to be paid by occupying tenant.
34. Scale of valuation fee.
35. Scale of freeholders costs of sale to local authority to be paid by local authority.
36. Valuation fee of sale by freeholder to local authority.
37. Costs in case of default of occupying tenant or freeholder or of unfounded claim.

Persons not qualified to benefit by this Act.

38. Persons not qualified to benefit by this Act.

Subsequent Dealings with Enfranchised Holdings.

39. Subsequent sales, &c., may be effected at court at fixed fee.

Miscellaneous Enactments.

Clause.

40. Provision for cases of disability.
41. Trustees may purchase under certain conditions.
42. Provision in case of irregularities.
43. Limitation in certain cases of right to apply to court.
44. Appeals.
45. Rules.
46. Forms in schedule.
47. Notices may be printed or written.
48. Service of notices.

SCHEDULE.

A

B I L L

TO

Enable Occupying Tenants of Houses and Places of Business to purchase the Fee Simple of their Holdings. A.D. 1895.

WHEREAS it is expedient to amend the law so as to give to occupying tenants the power to acquire the freehold reversion expectant on the determination of their leases, and any intermediate interests in such property:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Occupying Tenants Enfranchisement Act, 1895.

Commencement of Act.

2. This Act shall come into operation on the *first day of September one thousand eight hundred and ninety-five*, which date is herein-after referred to as the commencement of this Act.

Interpretation of terms.

3. In this Act the following words and expressions shall have the interpretations and meanings in this section assigned to them respectively, unless there be something in the subject or context repugnant to such construction (that is to say):—

"Lease" means a lease, under-lease, assignment operating as a lease or under-lease, or an agreement for such lease, under-lease, or assignment, for a term of which *twenty years* shall be unexpired at the time of giving notice of an intention to exercise the powers conferred by this Act:

"Life lease" means a lease or an agreement for a lease for years determinable on the expiration of a life or lives, or a grant or an agreement for a grant for a life or lives:

"Lessee" includes any person entitled to the equity of redemption in a lease subject to a mortgage; and, where the demised premises are comprised in or affected by a settlement, includes the tenant for life or the person having the powers of a tenant

A.D. 1895.

for life under such settlement or in respect of such settled land:

"Settlement," "settled land," and "tenant for life" have the same meanings respectively as in the Settled Land Acts, 1882 and 1884:

"Freeholder" means any person entitled to the freehold reversion expectant on the determination of a lease or superior or intermediate lease, or if such freehold reversion shall be settled land, or comprised in or affected by any settlement, then the tenant for life or person entitled to exercise the powers of a tenant for life in respect of such settled land or under such settlement:

"Holding" includes any messuage, dwelling-house, shop, cottage, chapel, or other building, and any buildings, yard, garden, pleasure ground, or other piece of land used in connexion therewith, in which the occupier lives or carries on his business or trade:

"Occupying tenant" means any person living in or carrying on business in or on the holding who either—

(*a.*) Hold as lease;

(*b.*) Holds a life lease;

(*c.*) Has occupied the holding continuously with or without a lease at the estimated market value for at least *twenty years;*

(*d.*) Has succeeded his father, mother, sister, or brother in the occupation with or without a lease at the estimated market value when the successive tenure has existed for at least *twenty years;*

(*e.*) In the case of business premises, has purchased the business when such business has been carried on in and on the holding for at least *twenty years:*

"Occupier" means a person residing in or carrying on business in or on a holding without regard to the length of his tenancy:

"Adjacent property" means the whole or part of the street, road, square, or other contiguous property owned by one freeholder:

"Sub-lessor" means any person who has an interest in a holding other than the freeholder, the occupier, or the occupying tenant:

"Local authority" means the mayor, aldermen, and council of any city or municipal borough, and in the metropolis and elsewhere the county council;

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"Living in a holding" means sleeping there at least three months in the year and being rated for the payment of rates and taxes:

"Court" means in England the county court for the district wherein any part of the demised premises is situated; in Scotland the court of the sheriff substitute within whose jurisdiction any part of the said demised premises is situated; and in Ireland the land commissioners or sub-commissioners appointed under the Land Law (Ireland) Act, 1881:

"Person" includes a body of persons corporate or unincorporate:

"Prescribed" means prescribed by rules made in pursuance of this Act:

"Reversions" include "remainders":

"Rules" include "forms."

Though the masculine gender is used, this Act is to be read as giving women equal rights to men.

Occupying Tenants.

Occupying tenants may acquire reversions by purchase.

4.—(1.) From and after the commencement of this Act any occupying tenant shall have as incident to and inseparable from his interest in his holding the right to acquire by purchase the reversion expectant or consequent upon the determination of the existing lease, and the reversion or reversions of any sub-lessor or sub-lessors and also the freehold reversion in the holding in the manner hereinafter provided, but an occupying tenant shall not be entitled to exercise such right in respect of part only of the holding except where such part is the subject of a separate tenancy.

(2.) When the interest of an occupying tenant is subject to an incumbrance, then on the purchase by such occupying tenant of such holding the freehold of such holding so purchased shall rest in such incumbrancer in the same manner as if it had been actually conveyed to him by the instrument creating such incumbrance.

(3.) The right to acquire such reversions as aforesaid shall be incapable of being suspended, modified, released, or extinguished.

Power to acquire reversions to be exercised concurrently.

5. When the holding is comprised in an under-lease the powers hereby conferred on the occupying tenant to acquire the reversions expectant upon the terms granted by such under-lease and by any superior or intermediate lease shall be exercised concurrently with the purchase of the freehold reversion in the holding.

Occupying tenant may purchase reversions by agreement.

6. The occupying tenant may agree with the freeholder, the sub-lessor or sub-lessors of the holding, and any tenant for life or person having the powers of a tenant for life under any settlement

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comprising or affecting the holding, to acquire their interests by purchase; and in the case of any such tenant for life or person having the powers of a tenant for life it shall not be necessary, notwithstanding the provisions of the Settled Land Act, 1884, to obtain the leave of or sanction of the High Court of Justice to such agreement, purchase, or sale.

Notice by occupying tenant of intention to acquire freehold.

7.—(1.) When an occupying tenant is desirous of acquiring the freehold of his holding in pursuance of this Act, and cannot agree with the freeholder, sub-lessor, or sub-lessors, as in section six of this Act, he shall make application to the court, which may be in the Form No. 1 in the schedule to this Act, or to the like effect. The occupying tenant shall, with his application, deposit at the court a sum equal to *five* per centum on what he considers the value of the holding as calculated according to section thirty of this Act, and such sums under sections thirty-three and thirty-four of this Act as may be required for valuation and legal charges.

(2.) At the next sitting of the court, the applicant shall appear personally or by agent, and satisfy the court as to his being an occupying tenant within the meaning of the Act. The court shall then, unless it sees any reason to the contrary, appoint a solicitor to carry out the purchase, and remunerate him according to section thirty-three of this Act.

(3.) Within *seven days* of his appointment, the solicitor shall serve upon the lessor or his agent a notice, herein-after called the prescribed notice, which may be in Form No. 2 in the schedule of this Act, or to the like effect.

(4.) Within *twenty-eight days* after the service of the aforesaid prescribed notice, the lessor shall deliver to the solicitor particulars of his interest in the holding. These particulars may be given in the Form No. 3 in the schedule of this Act annexed, or other similar form. Such particulars shall state whether he agrees that the amount named is a fair selling price, or whether he will require another valuation.

(5.) Upon receipt of these particulars the solicitor shall serve upon the sub-lessor or sub-lessors a notice in the Form No. 4 in the schedule to this Act annexed, and each of such persons shall within *twenty-eight days* from the date of such service, deliver to the solicitor notice of his interest in the holding, which notice may be in Form No. 3 in the schedule hereto or other similar form. Such particulars shall state whether each of such persons agrees that the amount named is a fair selling price, or whether he will require another valuation.

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(6.) Within *three calendar months* of the service of the prescribed notice, or after such extension of time as the court may from time to time authorise, the solicitor shall report to the court on a prescribed form—

(*a.*) Whether the applicant is an occupying tenant of the holding within the meaning of the Act;

(*b.*) Whether the freeholder and sub-lessor or sub-lessors agree to the price named by the occupying tenant;

(*c.*) Whether the title of the freeholder and sub-lessor or sub-lessors is good;

(*d.*) Whether the freeholder and the sub-lessor or sub-lessors agree among themselves as to the way the purchase money is to be divided among them.

Action in case of improper application.

8. In the event of the court, on the report of the solicitor, and if it think proper after taking evidence, deciding that the applicant is not an occupying tenant of the holding within the meaning of this Act, the application shall be dismissed, and the applicant shall forfeit to the court all or any portion of the deposit money, as the court shall decide. It shall be lawful for the court, out of the deposit money, to re-imburse the freeholder and any sub-lessor any loss which the action of the applicant may have involved to any one or all of them.

Action when application proved and all parties agree in price of holding.

9. In the event of the court deciding, on the report of the solicitor, and if it think proper after taking evidence, that the applicant is the occupying tenant within the meaning of this Act, and on the court being satisfied that the freeholder and sub-lessor or sub-lessors are agreed as to the price named, the court shall declare that the sum named is the value of the holding, and *half* the valuation fee deposited under section thirty-five shall be returned to the occupier, and *half* added to the value of the holding. The total sum obtained by adding the value and half the valuation fee shall be declared to be the purchase money of the holding.

Action if valuation not approved by freeholder or sub-lessors for obtaining second valuation.

10. In the event of the court being satisfied, on the report of the solicitor, and if it think proper after taking evidence, that either the freeholder or some one or more of the sub-lessors are not satisfied with the valuation submitted by the occupying tenant, the court shall, unless in the opinion of the court such objection is frivolous, when the court may override it, direct some professional valuer, approved by the said objecting party or parties, to make an independent valuation, and shall order the fee referred to in section thirty-five to be used for that purpose.

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Action if second valuation not approved for final decision of value.

11. In the event of the valuation obtained under clause ten of this Act not agreeing with the estimate submitted by the occupying tenant, and the parties concerned not being satisfied or not coming to an agreement as to the value, the court shall act as follows :—

(*a.*) When the highest value does not exceed *one thousand pounds*, the court shall itself decide the value.

(*b.*) When the highest value exceeds *one thousand pounds*, require the occupying tenant and the valuer appointed under section ten to name a second valuer, whose decision shall be final, or to have the value declared by a jury. In the event of the occupying tenant or valuer not agreeing as to the second valuer or on the appeal to a jury, the court shall decide, and either refer the decision to a jury or name a second valuer. The fees of this valuer or the expenses of the trial shall be paid by the occupying tenant if the valuation is raised, and by the freeholder or sub-lessor or sub-lessors who objected to the first valuation if the first valuation is maintained.

The court shall then declare the amount arrived at under sub-section (*a.*) or (*b.*), as the case may be, to be the purchase money of the holding.

Payment of purchase money into court and issue of certificate of purchase.

12. In the event of the court being satisfied that—

(*a.*) The title of the freeholder and of the sub-lessor or sub-lessors is good ; and

(*b.*) That the freeholder and the sub-lessor or sub-lessors are agreed as to the way the purchase money shall be divided amongst them,

the court shall direct the occupying tenant within two weeks from the date of the order fixing the amount of the purchase money or within such further time as the court may direct, to pay the purchase money (less the amount of deposit specified under section seven) into court in the prescribed manner, and upon such payment he shall be entitled to a certificate of purchase, Form No. 5 in schedule, specifying in the prescribed form the proceedings and determination of the court, and the names and interests of the lessor and other persons to whom the prescribed notice was given, and the restrictive covenants (if any) to which the holding remains subject ; and such certificate shall operate as a conveyance from the day of its date to the applicant of all the interest in such premises that was vested in such lessor or other persons at the date of the application or of the ascertainment of the purchase money.

Distribution of purchase money.

13.—(1.) On receipt of the said sum the court shall give notice not exceeding *one month* to the freeholder, sub-lessor, or sub-lessors

of the intention to distribute the said sum among the persons severally entitled thereto; and on the expiration of such notice, and on being satisfied by affidavits or otherwise of the said lessor and other persons that they still remain entitled to the same, the court shall order the purchase money to be paid over to them according to their respective rights.

(2.) The court shall make such order as in its discretion may be deemed just and expedient in regard to the payment over of such sum as aforesaid, or in regard to the retention by the court of such sum, or any part thereof, pending any further inquiries as to the right of any person to receive the same.

(3.) On the purchase by an occupying tenant of any lease or freehold reversion expectant or consequent on the determination of any term, and which is an estate or interest within the meaning of the Settled Estates Act, 1877, as being subject to a settlement or being settled estate within the meaning of the said Act, or is settled land, or is subject to or comprised in any settlement, the purchase money for such lease or freehold reversion shall be paid to the persons who under the said Acts are thereby authorised to receive and give receipts for capital moneys arising from a sale under the said Acts or either of them, and shall be dealt with and be subject to the same provisions in all respects as if the purchase under this Act were a sale effected by a tenant for life or person having the powers of a tenant for life under the Settled Land Act, 1882.

Provided always, that it shall not be necessary as against the occupying tenant to obtain the consent of any court to the carrying out of any sale to a lessee of any such lease or reversionary interest as aforesaid under the provisions of this Act.

After payment by the occupying tenant of the purchase money or issue of the certificate of purchase by rentcharge in lieu of purchase money, as hereafter provided, the lessee shall not be made a party to any application to the court under the Settled Estates Act, 1877, the Settled Land Act, 1882, and the Settled Land Act, 1884, or any of them, and shall not be liable to any costs, charges, or expenses in or about any application thereunder.

Action when title cannot be readily proved or dispute as to division of purchase money.

14. Where it appears to the court that the title of the freeholder, sub-lessor, or sub-lessors claiming or reputed to be beneficially interested in the holding, cannot be expeditiously deduced or proved, or when the freeholder, sub-lessor or sub-lessors interested in the holding cannot agree as to the division of the purchase money, the court may adjourn the case from time to time for any period not exceeding *twelve months* from the date of

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the declaration of the purchase money with a view of these difficulties being overcome.

Purchase by rentcharge when title cannot be proved or dispute as to division of purchase money.

15. In the event of one or other or both the difficulties referred to in clause fourteen not being overcome, and they appearing to the court to be reasonable, the court shall issue to the occupying tenant a certificate of purchase by rentcharge. Such certificate shall specify in the prescribed Form No. 6 in schedule, the proceedings and determination of the court, and the names and interests of the freeholder, the sub-lessor or sub-lessors, and the restrictive covenants (if any) to which the holding remains subject, the value of the holding as decided by the court, the rentcharges hereafter specified, and such certificate shall operate as a conveyance from the day of its date to the occupying tenant of all the interest in the holding that was vested in the freeholder, the sub-lessor, or sub-lessors, but subject to the payment of the following rentcharge, namely, during the continuance of any lease or agreement either granted to the occupying tenant or to any sub-lessor the rent specified in such lease or agreement unless such rent be less than four pounds per centum on the purchase money, in which case the rent shall be *four pounds* per centum on the purchase money. At the expiration of all the leases and agreements on the holding the perpetual rentcharge payable to the freeholder shall be *four pounds* per centum on the purchase money. In the event of the purchaser by rentcharge not being able to ascertain who is beneficially interested in the existing lease or agreement, it shall be a sufficient discharge for him to pay his rentcharge into court.

Deposit to be returned on rentcharge purchase.

16. On the issue of a certificate of purchase by rentcharge the deposit paid into court under section seven, less any costs that may be due from it by direction of the court, shall be returned to the applicant.

Certificate of purchase or purchase by rentcharge equal to fee simple.

17. The possession of a certificate of purchase or a certificate of purchase by rentcharge shall confer on the owner all the rights and privileges of an owner in fee simple, subject only to the covenants therein contained.

Freeholders selling to Local Authority.

Freeholder may require local authority to purchase adjacent property or rentcharge.

18. Any freeholder, part of whose property has been taken under this Act either by certificate of purchase (section twelve), or by certificate of purchase by rentcharge (section fifteen), who is desirous of selling his reversion of the adjacent property, may make application to the local authority, which application may be on Form No. 7 in the schedule of this Act or to a like effect, and any freeholder having

had his property or part of his property taken by certificate of purchase by rentcharge and who wishes to sell the reversion of that rentcharge, may apply to the local authority, which application may be on Form No. 7 in the schedule of this Act or to a like effect. With this application or these applications he shall deposit an abstract of title and a statement of what he estimates the value of the property he wishes to sell.

Local authority to take action to verify freeholder's application.

19. The local authority may require the applicant or his agent to appear personally before them and satisfy them that he is a freeholder within the meaning of this Act, and the local authority shall ascertain from the court whether any and what portions of the applicant's property have been taken under this Act and the price they were valued at.

Local authority's action concerning title.

20. Within *three months* of the receipt of the application, the local authority shall require their solicitor to report to them whether the applicant has a good title to the property.

Local authority's action in defective title.

21. In the event of the title being defective and the applicant being unable or unwilling to make it good, the local authority may decline the application and shall require the applicant to reimburse any costs the local authority may have incurred.

Action if title satisfactory and price approved by local authority's valuer.

22. In the event of the title being satisfactory to the local authority, the local authority shall direct a professional valuer to report whether the price named by the applicant is the fair value of the property, and on his report agreeing that the sum named is a fair value it shall be declared the purchase money, subject nevertheless to the condition that the local authority, if the property exceed *five thousand pounds* in value, may within two months declare that they are not satisfied and at their own expense require the value to be settled by a jury.

Action when value cannot be agreed to.

23. In the event of the professional valuation not agreeing with the freeholder's estimate of the value, and it being impossible amicably to arrange the value, the question of value shall be decided by a jury, and the costs shall be paid as directed by the judge.

Payment to freeholder.

24. The local authority shall within *three months* of the decision of the value of property pay the freeholder the purchase money, when the freehold shall become vested in the local authority.

All freeholds purchased by local authority to be offered to occupiers.

25. Within *one month* of the value being declared the local authority shall offer the property in portions to each occupier; that is the portion which each occupier occupies shall be offered to him at a price fairly apportioned to each holding so that the price of the portions shall cover the entire cost of the local authority for the purchase money and all reasonable expenses.

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Mode of procedure for purchase by occupiers from local authority.

26. Those occupiers who select to purchase from the local authority shall be dealt with in the following manner :—

(*a.*) Each occupier who holds directly from the freeholder shall elect, within such time as the local authority shall decide, whether he will pay the purchase money and receive a certificate of purchase as described in clause twelve, or whether he will pay a perpetual rentcharge of *four pounds* per centum per annum on the value and receive a certificate of purchase by rentcharge as described in clause fifteen.

(*b.*) Each occupier who holds under a sub-lessor or sub-lessors will receive a certificate of purchase by rentcharge, by which he will continue to pay a rentcharge similar to that paid by an occupying tenant in section fifteen of this Act, as long as any sub-lessor remains interested in the holding, and at the expiration of such term or terms four per centum per annum on the value to the local authority.

Purchase by occupiers from local authority may be by instalments.

27. The local authority shall allow each occupier who purchases his holding by certificate of purchase, or any occupier whose terms of holding under a sub-lessor have expired as explained in section twenty-six (*b.*), to pay the purchase money by instalments spread over not more than *fifteen years*, with interest on the unpaid purchase money of *four per centum* per annum.

Occupiers who do not purchase from local authority.

28. Each occupier who does not select to purchase his holding from the local authority will continue to pay his rent under his existing agreement, and at the expiration of that agreement, if there be any sub-lessor or sub-lessors interested in the holding, and as calculated in section fifteen of this Act, at the end of all terms in which sub-lessors are interested in the holding, then at such rents as the local authority may decide.

Local authority may borrow for this Act.

29. For the purposes of this Act the local authority may from time to time borrow money on such terms as may be approved by the Local Government Board: Provided always, that in all cases a sinking fund be provided so as to repay the capital and interest at the end of not more than *fifty years*.

Mode of assessing Values.

Considerations for assessment of purchase money.

30. In determining the amount of purchase money to be paid in pursuance of any application under this Act, regard shall be had to the following directions :—

(*a.*) The purchase money shall be the sum which is the value of the present interests with the reversions in question expectant upon the determination of the lease;

(*b.*) The purchase money on the application from an occupying tenant shall include a sum equal to *five* per centum on the value of the holding to cover the loss of compulsory sale;

(*c.*) Allowance (*b.*) shall not be made to the freeholder applying under section eighteen.

(*d.*) The value of the occupying tenant's goodwill shall not be considered in fixing the value.

Restrictive Covenants.

Restrictive covenants, which are and which are not to be observed.

31.—(1.) On a purchase by an occupying tenant of a holding under this Act either by certificate of purchase or by certificate of purchase by rentcharge—

(*a.*) All covenants, agreements, and provisions contained in any lease or in any superior or intermediate lease binding the lessee under such lease to do or omit to do any of the following acts or any covenants, provisions, or agreements to the like purport or effect shall be void as from the completion of such purchase, namely,—

(i.) Not to assign, demise, or part with the possession of the demised premises without the consent of the lessor:

(ii.) To furnish to the lessor or his solicitors copies of all deeds of assignment or under-lease:

(iii.) To pay any fee on the registration of any assignment or under-lease:

(iv.) Not to make any structural alteration or addition to the property without the consent, whether in writing or not, of the lessor.

(*b.*) But all covenants, agreements, and provisions binding the lessee to do or omit to do any of the following acts or any covenants, agreements, or provisions to the like purport and effect shall, during the continuance of the term created by the lease in which such covenants are contained, remain in full force and enforceable by action or injunction against the lessee or his successors in title by the person who but for the purchase by the lessee under this Act would for the time being be entitled to enforce such covenants and by the local authority—

(i.) To make or construct any buildings or roads or to contribute towards the cost of construction or maintenance of roads, party walls, sewers, drains, wells, and any other conveniences used in common with the adjoining owners, occupiers, or lessees:

A.D. 1895.

(ii.) To repair and keep the premises in repair :

(iii.) To insure from damage by fire, whether in any particular office or offices or not, and to reinstate the premises in case of damage by fire :

(iv.) To pay rates, taxes, land tax, tithe or other outgoings :

(v.) To exercise or not to exercise on the demised premises any particular trade or business, or to deal with any particular person or company, or to use the property only in a particular manner, or against committing or permitting nuisances :

(vi.) To do any act which may or will be beneficial to the demised premises or to any other property of the lessor or his superior landlord or tenant, or to abstain from doing any act which may or will be prejudicial to the demised premises :

(vii.) Any other restrictive covenants, agreements, or provisions.

(2.) Provided nevertheless, that where in pursuance of this Act the lessee has obtained a release from the observance of any covenants, the local authority may enforce against him any bye-laws or regulations made under or by virtue of powers granted to such local authority by Act of Parliament; and the local authority may also in its discretion give any further release of covenants other than the releases provided under this Act, and may also restrain the lessee from so dealing with the demised premises, either by doing or omitting to do any act in connexion therewith, as will, in the opinion of such local authority, prejudicially affect adjoining owners.

Local authority to enforce covenants.

32. In the events of the covenants referred to in section thirty-one (*b.*) not being performed by a purchaser either by certificate of purchase or certificate of purchase by rentcharge, it shall be lawful for any occupier on the adjacent property to give notice to the local authority, and the local authority shall, subject if it thinks fit to an appeal to the court, require such purchaser to perform such covenant or covenants, and to pay all costs involved in the enforcing of the same.

Scale and Regulation of Fees.

Scale of costs to be paid by occupying tenant.

33.—(1.) The costs of the occupying tenant in connexion with the application to the court and any other proceedings under this Act up to the payment of the purchase money or the issue of the

certificate of purchase by rentcharge, shall be borne and paid by the occupying tenant, and the court shall make such order as may be required for the payment of the said costs out of the deposit in court, and for the repayment of the balance of such deposit (if any), but if any costs remain unpaid they shall be an equitable charge upon the occupying tenant's interest in the holding, and the balance so remaining shall be paid in such manner as the court may direct.

(2.) In taxing costs under this Act only one set of costs shall be allowed as payable by the occupying tenant, except in cases where the court shall otherwise decide.

(3.) In respect of every purchase taking place under this Act there shall be paid by the occupying tenant for the solicitors costs for deducing the title to such interest and for investigating the title of the occupying tenant and for completing the conveyance, the following fees, exclusive of stamps, fees paid to public officers on registration, and costs of extracts from any register, record, or roll, or other disbursement reasonably and properly paid, that is to say,—

Where the purchase money does not exceed *1,000l.* -	*30s.* per 100*l.* of purchase money.
For the second and third *1,000l.*	*20s.* per 100*l.*
For the fourth and each subsequent *1,000l.* and up to *10,000l.* - - -	*10s.* per 100*l.*
For the eleventh and all subsequent *1,000l.* - - -	*5s.* per 100*l.*

Fractions of 100*l.* being reckoned as 100*l.*

The division of these fees between the solicitor appointed by the court and the solicitor representing the freeholder and sub-lessor or sub-lessors shall be decided by the court.

Scale of valuation fee.

34.—(1.) The cost of the valuation fee in connexion with the application by an occupying tenant to the court under this Act shall be borne by the occupying tenant, and paid into court at the time of the application (section seven).

(2.) In respect of the valuation under this Act, the following fees shall be paid, that is to say,—

When the valuation does not exceed *1,000l.* -	*20s.* per 100*l.*
For the second and third *1,000l.* - -	*10s.* per 100*l.*
For the fourth and each subsequent *1,000l.* up to *10,000l.* - - - -	*5s.* per 100*l.*
For the eleventh and all subsequent *1,000l.* -	*2s. 6d.* per 100*l.*

Fractions of 100*l.* being reckoned as 100*l.*

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Scale of freeholder's costs of sale to local authority to be paid by local authority.

35.—(1.) On the sale by a freeholder under this Act up to the payment of the purchase money, the costs shall be borne and paid by the local authority, and the local authority shall make such order as may be required for the payment of the said costs, and if any costs remain unpaid they shall be an equitable charge upon the local authority.

(2.) In taxing costs under this Act only one set of costs shall be allowed as payable by the local authority except in cases where the local authority may otherwise decide.

(3.) In respect of the sale under this Act there shall be paid by the local authority for the solicitors costs for deducing the title, for investigating the title, and for completing the conveyance to the local authority, the following fees, exclusive of stamps, fees paid to public officers on registration, and costs of extracts from any register, record, or roll, or other disbursements reasonably and properly paid, that is to say,—

When the purchase money does not exceed *100l.* -	*30s.* per 100*l.* of the purchase money.
For the second and third *1,000l.* - - -	*20s.* per 100*l.*
For the fourth and each subsequent *1,000l.* up to *10,000l.* - - -	*10s.* per 100*l.*
For the eleventh and all subsequent *1,000l.* -	*5s.* per 100*l.*

Fractions of 100*l.* being reckoned as 100*l.*

These fees shall be divided equally between the solicitor appointed by the local authority and the solicitor of the freeholder.

Valuation fee of sale by freeholder to be paid by local authority.

36. The cost of the valuation in connexion with a sale under this Act by a freeholder shall be borne by the local authority, and shall be on the same scale as those given in clause thirty-four.

Costs in case of default of occupying tenant or freeholder or of unfounded claim.

37. Where the occupying tenant or freeholder has wilfully or negligently delayed or made default in proceeding with his application, or where any party to the application under this Act has in the opinion of the court made an unfounded claim or contention, the court may, in its discretion, make an order requiring such person to pay the whole or any portion of the costs which may have been incurred by reason of such default or unfounded claim.

Persons not qualified to benefit by this Act.

Persons not qualified to benefit by this Act.

38. Nothing in this Act shall entitle the following persons to claim the benefit of this Act as occupying tenants:—

(*a.*) Clergymen, ministers of religion, public servants, managers of businesses, and other persons who occupy holdings on

account of their profession, trade, or calling, whether they pay a commercial rental or not;

(*b.*) Persons who reside in holdings belonging to their employers, whether they pay a commercial rental or not;

(*c.*) Persons who reside in portions of buildings, flats, or other divided holdings;

(*d.*) Persons who occupy buildings as pensioners or from philanthropic considerations.

Subsequent sales, &c. may be effected at court at fixed fee.

39. In all subsequent dealings with a holding for which a certificate of purchase or a certificate of purchase by rentcharge has been obtained, the production of such certificate by the person named in it or by his executor or assigns shall, on proof of identity to the satisfaction of the court, be an absolute title of the holder's possession of the fee simple without the production of any further documents. A sale or transfer of such fee simple may be effected at the court by an endorsement on such certificate or by the issue of a new certificate, as the court may decide, after the due stamps have been affixed. The fee for such sale or transfer shall be *three guineas* and *five shillings* per centum, and shall be paid to the solicitor appointed by the court to prepare the documents and to arrange for carrying out the transaction.

Miscellaneous Enactments.

Provision for cases of disability.

40. In the event of the disability, by infancy, coverture, insanity, or otherwise, of any person who but for such disability would have been entitled to the benefit of this Act or to be treated as a lessor or person beneficially interested under this Act, the powers and duties of such person shall devolve upon his trustee, committee, guardian, or person who is entitled to receive the rent or profits of his estate on his behalf.

Trustees may purchase under certain conditions.

41. Nothing in this Act contained shall authorise any trustee or legal representative to make an application under this Act, unless he be authorised thereto by the consent of all necessary persons or by the nature of his trust, or be permitted by an order of a judge of the High Court of Justice, who shall have power on petition to grant such permission if he shall see fit to do so; and with such sanction any moneys, stocks, funds, or securities subject to the trust may be applied in the purchase of the reversions of any demised premises in pursuance of this Act, and the premises so acquired shall be conveyed to the trustees as the court shall in its discretion direct.

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Provision in case of irregularities.

42. Where any of the parties make default in complying with any of the obligations imposed on them by this Act, or where any error, omission, or irregularity takes place in any proceedings under this Act owing to inadvertence, it shall be lawful for the court to grant any relief that it may deem just, either by extension of time or rectification of any previous order, or otherwise howsoever, upon such terms and conditions as may be deemed expedient.

Limitation in certain cases of right to apply to court.

43. If the application of any occupying tenant be dismissed, or he, in the opinion of the court, unduly delay to complete the purchase, or his right to the benefit of this Act be determined against him, or he decide and be permitted no further to proceed for any reason, he shall pay all costs, and he and all persons claiming by, through, or under him by virtue of any assignment, sub-demise, or other transfer of interest subsequent to the date of his said application, shall be barred from taking further proceedings under this Act for the space of *five years* without special leave from the court. And in no case shall he or they take any further proceedings without first paying all such costs as may be ordered by the court in respect of the said application.

Appeals.

44.—(1.) All orders of the court shall be subject to appeal on matters of law in England in the same manner as appeals are now made from the decisions of county court judges on matters of law; in Scotland in the same manner as appeals are now made from the decisions of sheriffs; and in Ireland in the same manner as appeals are now made from the decisions of the Land Commissioners. All orders relating to costs, and all decisions of the court on matters of fact or in the exercise of its discretion, shall in like manner be subject to appeal by leave, either of the judge or of the court before which the appeal is to be heard.

(2.) No appeal shall be beyond the divisional court in England, the Court of Session in Scotland, and the Queen's Bench, Common Pleas, or Exchequer in Ireland, without leave from the said courts or from the court before which such appeal is to be heard, which shall in each case be the court to which ordinarily appeals are made from the before-mentioned courts respectively.

(3.) In case of appeals all costs thereof shall be in the discretion of the court to which appeal is made.

Rules.

45. Rules for the purposes of this Act may be made and altered from time to time by the like persons and in the like manner in which rules may be respectively made under and for the purposes of the County Courts Acts in England, of the Sheriffs

Courts Acts in Scotland, and of the Civil Bill Courts Acts in Ireland.

Forms in schedule.

46. Any deeds, notices, or other documents in the form contained in the schedule to this Act annexed, or to the like purport and effect as may be prescribed, shall as regards form and expression in relation to the provisions of this Act be deemed sufficient for all purposes.

Notices may be printed or written.

47. Notices, orders, and other documents under this Act may be in writing or print, or partly in writing and partly in print, and when issued by the court shall be deemed sufficiently authenticated if they bear the official seal of the court.

Service of notices.

48. Any notice, order, or document required or authorised by this Act to be served on any person may be served—

(*a.*) By delivering the same to such person; or

(*b.*) By leaving the same at the usual or last known place of abode of such person; or

(*c.*) By forwarding the same by post in a prepaid registered letter addressed to such person at his usual or last known place of abode.

If the notice is served by post it shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

A.D. 1895.

SCHEDULE.

FORM No. 1.

NOTICE of DESIRE by an OCCUPYING TENANT to EXERCISE the POWERS of this ACT.

In pursuance of the provisions of the Occupying Tenants Enfranchisement Act, 1895, I
of
occupying tenant of the holding herein-after mentioned, do hereby give notice to the county court at , that I intend to exercise the powers of the said Act, and to obtain a certificate of purchase or a certificate of purchase at rentcharge of the holding, particulars of which, with a plan, are given below. And I inform the court that I am willing to submit myself to the provisions of the said Act, and to purchase, pursuant to the said Act, the said property.

I hold the holding from
of
and pay the annual rental of
and I append the lease, agreement, or other instrument under which I am the occupying tenant.

I value the holding, if sold by a willing seller to a willing purchaser, at £ to which I add five per centum for compulsory sale; total £ . I append a valuation by
of the firm of

[*Note.*—This may be sent or not, at the applicant's option.]

Accompanying this application, I have this day paid to the court the sum of £ being five per cent. on the above sum, together with £ for the solicitors charges and £
for the valuation fee in accordance with sections 33 and 34 of the said Act.

Dated this day of 18 .

Signature
Address
State how an occupying tenant

The particulars of the holding above referred to.

Here describe the holding according to the usual postal address. Give a plan, either drawn on the Form or appended thereto, and signed by the applicant, and add the words, "and which description is correct, and is intended to describe the property comprised in the above application in respect to which this notice is given."

To the Judge of
The County Court
at

A.D. 1895.

Form No. 2.

The Prescribed Notice.

To Mr.

In pursuance of the provisions of the Occupying Tenants Enfranchisement Act, 1895, I, , of , the solicitor appointed by the County Court of , hereby give you notice that Mr. of occupying tenant of intends to exercise the powers of the said Act and to purchase the freehold of the said holding, and that he is willing to submit himself to the provisions of the said Act, and to purchase, pursuant to the said Act, the said property, and I require from you in writing, addressed to me at , the following particulars:—(1.) In the event of your holding the premises under a lease or leases—(*a.*) The date of such lease or leases. (*a.* 1.) The term or terms for which the premises are held. (*b.*) The names and addresses of the lessors so far as you can supply the same, and of the agents of the lessors if known to you. (*c.*) The names and addresses of the agents or persons to whom you made the last payment of rent in respect of the property comprised in such lease or leases. (*d.*) The amount of rent reserved by the lease or leases for the remainder of the term of the lease or leases. (*e.*) And if the same relates to any other property than that comprised in the lease, in respect of which I give this notice, the short particulars and description of such other property. Mr. has valued the holding at £ together with five per cent. for compulsory sale, total £ , and I require you to state in writing whether you agree to the above being a fair sum as purchase money for the freehold, with all the interests and property comprised in the notice in writing now given to you.

(2.) In the event of your being entitled to the freehold reversion expectant or consequent upon the determination of the lease now held by Mr. as lessee, I require you to state the particulars of your interest in the said property, and whether you agree that the above-named amount is a fair sum for the freehold, or whether you will require a fresh valuation.

Dated this day of 18 .

(Signature)

Here to follow a copy of the description sent in by the occupying tenant with Form No. 1.

Form No. 3.

Particulars of Lessor's or Freeholder's Interest and Price for Sale.

I, the undersigned of , or the undersigned duly authorised agent for this purpose of of in reply to your notice that the occupying tenant desires to exercise the powers of the Occupying Tenants Enfranchisement Act, 1895,

A.D. 1895.

dated day of 18 , hereby inform you that the premises mentioned in your said notice, and in respect of which he is now paying the rent of £ , were granted or demised by indenture of lease (or leases) bearing date (respectively) the day of (and the day of) and made between for a term of years from the day of , and that the same are held by me under an indenture of lease (or leases) bearing date (respectively) the day of and made between and for a term of years from the day of at a rent or rents of £ per annum, payable (free from all deductions whatsoever except income tax) (or that I hold the same in fee simple), and I agree that the sum named of £ , together with five per cent. for compulsory sale, total £ , is a fair amount *or* I do not consider the sum named sufficient and demand a fresh valuation, estimating the holding as worth £ , together with five per cent. for compulsory sale.

If held by the lessor under a lease state the following particulars.

State if any charges or taxes are payable out of the rent by the lessor.

Dated this day of 18 .

Yours, &c.

FORM No. 4.

PARTICULARS of SUB-LESSOR'S INTEREST.

Having been informed by of that the under-mentioned premises are comprised in a lease (or leases) dated the , and made between for a term of years and of another year from the day of at the yearly rent or rents of £ payable [quarterly] (free of all rates and taxes except property tax), and that you are entitled as lessor to the rents and profits of such premises, I, the solicitor appointed by the county court at , hereby inform you that on the day of in pursuance of the powers of the Occupying Tenants Enfranchisement Act, 1895, I sent a notice in writing (a copy of which purports to be enclosed herewith) to the lessor under whom the present occupying tenant holds the under-mentioned premises, and offered on his behalf to submit to the provisions of the above-mentioned Act, and pursuant to the provisions thereof, I require you within one calendar month from the date hereof to deliver to me in writing at a notice in writing stating the following particulars.

Recite the facts from notice given in Form No. 2.

1. } Copy remainder of notice from Form No. 2.
2. }

A.D. 1895.

FORM No. 5.

FORM of CONVEYANCE.

CERTIFICATE of PURCHASE of FEE SIMPLE.

Pursuant to the Occupying Tenants Enfranchisement Act, 1895, [*A.B.*] of having paid the sum of £ to the freeholder, sub-lessor, or sub-lessors to be divided among them as they have agreed by the county court at , I, [*C.D.*] the county court judge at hereby convey to [*A.B.*] all [insert usual description of the holding and plan of same] to hold the same unto and to the use of the said [*A.B.*] in fee simple according to the true intent and meaning of the said Act.

In witness whereof I have hereunto set my hand and seal of the county court at this day of 18 .

Witness.

[*C.D.*] L.S.
[*A.B.*]

Schedule of ascertained covenants and agreements to which the holding is subject.

Note.—This covenant must have the usual conveyance stamp attached before being executed.

FORM No. 6.

CERTIFICATE of PURCHASE by RENTCHARGE.

Pursuant to the Occupying Tenants Enfranchisement Act, 1895, in consideration of the herein-after mentioned rentcharges to be paid as under by [*A.B.*] of , I [*C.D.*], the county court judge at do convey to the said [*A.B.*] all [insert usual description of holding and plan of same] to hold the same and to the use of the said [*A.B.*] in fee simple, according to the true intent and meaning of the said Act. The said [*A.B.*] yielding and paying to the persons herein-after named the clear yearly rents set forth in the schedule hereto attached by half-yearly payments henceforth on the 24th June and the 25th December in each and every year clear of all taxes and deductions (except income or property tax). The first full payment to be made on the day of 18 next and a proportionate part amounting to £ on the day of 18 .

In witness whereof I have hereto set my hand and seal and the seal of the county court at this day of 18 .

[*C.D.*] L.S.
[*A.B.*]

A.D. 1895.

Schedule of ascertained covenants and agreements to which the holding is subject.

Schedule of rentcharges as follows:

The rentcharge of £ per annum is payable up to and including the day of 18 .

The rentcharge of £ per annum is payable from the day of 18 to the day of 18 .

The rentcharge of £ per annum is payable from the day of to the day of 18 .

From the day of 18 , and for ever the rentcharge of , being equal to four pounds per centum on the purchase money of £ as ascertained by the owner to be the value of the holding.

N.B.—The above certificate should be executed in duplicate.

This certificate must have the usual conveyancing stamp attached before being executed.

FORM No. 7.

NOTICE of a DESIRE by a FREEHOLDER to SELL to the LOCAL AUTHORITY adjacent PROPERTY to that PURCHASED by an OCCUPYING TENANT.

In pursuance of the provisions of the Occupying Tenants Enfranchisement Act, 1895, I, of lately freeholder of holding at recently purchased from me under the above Act, hereby give notice to the local authority of the that I wish to exercise the powers of the said Act, and to sell to the local authority the adjacent property of which I am the freeholder [{or / and} the reversion of the rentcharge or rentcharges recently purchased by] of which I append a schedule. I inform the local authority that I am willing to submit myself to the provisions of the said Act and to sell pursuant to the said Act. I append an abstract of title, and the solicitor who will act for me is . I value the property at £ , and I append a schedule of items [and a valuation by Messrs. of]. (*Note.*—This may be sent or not at the applicant's option.)

Signed ,
Address

day of 18 .

A.D. 1895.

SCHEDULE A.

Full details and plans of property.

SCHEDULE B.

Full details and value as estimated by freeholder.

SCHEDULE C.

Value of portions purchased by certificate of purchase at rentcharge as fixed by the court.

Occupying Tenants Enfranchisement.

A

B I L L

To enable Occupying Tenants of Houses and Places of Business to purchase the Fee Simple of their Holdings.

(Prepared and brought in by Mr. Bartley, Sir F. Seager Hunt, and General Goldsworthy.)

Ordered, by The House of Commons, *to be Printed,* 11 *February* 1895.

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[*Price* 3*d.*]

[Bill 90.]

Old Age Provident Pensions Bill.

MEMORANDUM.

1. The object of this Bill is to grant pensions to deserving and thrifty old people, who have lived a life of industry and care, but whose earnings render it extremely difficult, if not impossible, for them to provide sufficiently for their old age.

2. The Bill at the same time encourages thrift and self-reliance. The benefits from it being proportionate to the efforts made by the people themselves.

3. The Bill does not involve any new machinery or the complicated book-keeping incident on a special system of individual insurance for old age, and which, if applied to the whole country, would be very cumbrous and costly.

4. The Bill limits the pensions to those of 65 years of age and upwards who are in need of aid. No hard and fast rule, however, is laid down as to what limit of income constitutes need for aid, it being left to the discretion of the local authority to judge of special cases on their merits. The Bill excludes from its benefits those who have been convicted of crime within [15] years, and those who have been convicted of drunkenness within [10] years. The Bill provides for the payment of the pension in any way the local authority may decide, except that it is not to come through the guardians or its officers, and its receipt is not to disfranchise the receiver.

5. The Bill provides for three classes of pensions :—

1st. To those who have never received poor law relief.

2nd. To those who have provided partially in some way for their old age, in any manner they may have preferred.

3rd. To those whose special misfortunes render them deserving of aid, though they have not been able to provide even partially for themselves.

6. The Bill grants pensions as follows :—

(*a.*) To the first class described above in section 5, 7*s.* a week each person. This is the highest pension under the Bill.

(*b.*) To the second class described above in section 5, a pension of 3*s.* 6*d.* a week, together with an addition not exceeding 1*s.* 9*d.*, equal to the weekly income derived from the amount the person has saved himself, either—

1st. by the purchase of an annuity in the Post Office or from any society or otherwise;

2nd. by the lump sum purchase of an annuity before marriage, or before the age of 25, whichever event occurs first;

3rd. by a lump sum payment to the local authority;

4th. by other means as approved by the local authority.

(*c.*) To the third class, described above in section 5, whose special misfortunes have prevented them providing for themselves, a pension of 3*s.* 6*d.* a week may be granted in cases approved by the local authority.

7. The funds necessary for carrying out the Bill, with the exception of certain payments to the local authority by the beneficiaries themselves, as described in class *b*3 of section 6 above, are to be obtained entirely out of a special rate to be called the Pension Rate.

Old Age Provident Pensions Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Definitions.
3. Pension to be granted.
4. Conditions for all pensions.
5. Pensions to those who have never had poor law relief.
6. Pensions to those who have provided something towards old age.
7. Pensions in exceptional cases.
8. How pensions are to be paid.
9. Pensioners convicted of crime.
10. Pensions cannot be sold.
11. Pension fund to be raised from rates.
12. The local authority to frame rules.
13. Pensioners not to be disfranchised.
14. Pensioners burial fund.
15. Pensioners desiring to enter union house
16.
17. Infirm pensioners.
18. Pensioners not to be in the receipt of other public pensions.
19. Returns to Local Government of pensioners.

A

B I L L

TO

Provide Pensions in Old Age to the Provident Poor.

A.D. 1895.

WHEREAS a large number of the people in their old age are without the means of living, except by the poor rates :

And whereas it is inexpedient and unjust that persons who have spent their lives in working should end their days in the work-house :

And whereas it is difficult and in cases impossible for many to provide sufficiently for old age :

And whereas it is expedient and necessary for the public weal to encourage and promote throughout life habits of thrift and self-reliance :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Old Age Provident Pensions Act, 1895.

Definitions.

2. In this Act the term "person" applies to men and women alike. Married persons are to be treated as two persons.

The term "the local authority" shall be the "county council."

Pension to be granted.

3. A sum, hereafter called a pension, not exceeding *seven shillings* weekly, to be fixed as hereafter provided, shall be paid by the local authority to each person, hereafter called a pensioner, complying with the conditions hereafter enacted.

Conditions for all pensions.

4. The conditions on which each person shall obtain a pension shall be as follows :—

(*a.*) The pensioner shall not be less than *sixty-five* years of age.

(*b.*) The pensioner shall not for *fifteen* years have been convicted of crime.

A.D. 1895.

(*c.*) The pensioner shall not for *ten* years have been convicted of drunkenness.

(*d.*) The pensioner shall not be able to earn the wages of his calling, and shall declare himself to be in need of a pension, and shall be so regarded by the local authority.

Pensions to those who have never had poor law relief.

5. The following persons complying with section four shall have a right to claim a pension of *seven shillings* a week from the local authority.

Those who have never received poor law relief in any form for themselves, or for their children, when under *thirteen* years of age.

Pensions to those who have provided something towards old age.

6. The following persons complying with section four shall have a right to a pension, varying in amount, according to the following conditions:—

(*a.*) Those who have purchased an annuity of not less than *two pounds* a year from the Post Office, or friendly or other society or company, shall be entitled to a pension of *three shillings and sixpence* a week, together with an addition (not exceeding *one shilling and ninepence* a week) equal to the amount of the annuity they have purchased.

(*b.*) Those who have paid a lump sum to the Post Office to buy a deferred annuity, if not less than *ten pounds*, on or before their first marriage, or before the age of *twenty-five*, whichever event has occurred first, shall be entitled to a pension of *three shillings and sixpence* a week, together with an addition (not exceeding *one shilling and ninepence* a week) equal to the amount which the Post Office annuity produces for them.

(*c.*) Those who are prepared to pay a lump sum to the local authority of not less than *ten pounds* shall be entitled to a pension of *three shillings and sixpence* a week, together with an addition of *threepence* a week (not exceeding *one shilling and ninepence*) for each *five pounds* paid to the local authority.

(*d.*) Those who have partially provided for themselves in other ways, to the satisfaction of the local authority, shall be entitled to a pension of *three shillings and sixpence* a week, together with an addition (not exceeding *one shilling and ninepence* a week) equal to the weekly income derived from the amount they have provided for themselves.

Pensions in exceptional cases.

7. Persons who come under the provisions of section four but do not comply with the provisions of either section five or section six shall not be entitled to claim pensions. The local authority may,

however, consider their cases and grant them pensions not exceeding *three shillings and sixpence* a week, provided they comply with one or more of the following conditions :—

(*a.*) Exceptional amount of illness not brought on by their own misconduct.

(*b.*) The loss of children who should have helped them.

(*c.*) Permanent affliction not brought on by their own misconduct.

(*d.*) Exceptional misfortune and distress.

How pensions are to be paid.

8. The pensions shall be paid weekly, monthly, or otherwise as decided on, in each case by the local authority.

Pensioners convicted of crime.

9. Any pensioner being convicted of any crime shall forfeit his pension, which shall not be renewed except by special resolution of the local authority, and with the sanction, in each case, of the Local Government Board.

Pensions cannot be sold.

10. No sale or alienation of a pension shall be valid.

Pension Fund to be raised from rates.

11. All pensions are to be paid out of a fund to be called the Pension Fund, and to be formed by a special rate to be called the Pension Rate, supplemented as herein-before provided by the contributions on behalf of pensions under section six, sub-sections (*c*) and (*d*).

The local authority to frame rules.

12. The local authority shall frame rules for the investigation of application for pensions and for the payment of pensions, either through the Post Office or otherwise, provided they are not paid through the guardians or their officers.

Pensioners not to be disfranchised.

13. The receipt of a pension shall not disqualify the receiver from voting in any parliamentary or other election to which he would be otherwise entitled to vote.

Pensioners burial fund.

14. On the death of a pensioner the local authority shall contribute a sum towards the cost of burial not exceeding *two pounds ten shillings*, and equal to the sum which the pensioner has himself provided either through a friendly society or otherwise.

Pensioners desiring to enter union house.

15. All persons complying with section four who at the date of the *passing of this Act* exceed *sixty-five* years of age, shall be deemed eligible for the benefits of section five of this Act, notwithstanding that they may have received poor law relief since they completed their sixty-fifth year.

16. Any pensioner desiring, from infirmity or any other reason, to receive relief in the union house shall cease to receive a pension under this Act, but shall be paid by the local authority a personal

A.D. 1895.

allowance in cash of *one shilling* a week over and above the usual cost of his maintenance by the union.

Infirm pensioners.

17. In the event of any pensioner becoming, from infirmity and the absence of friends or relatives, unfit or unable to benefit by the direct payment of the pension, the local authority may make such arrangements, either under section sixteen or otherwise, as may seem best to it.

Pensioners not to be in the receipt of other public pensions.

18. No person in the receipt of a pension from public taxation or from local rates amounting to *seven shillings* a week or more shall be eligible to derive any benefit under this Act.

Return to Local Government of pensioners.

19. The local authority shall report to the Local Government Board each year, giving full particulars of the pensions granted and paid, and classified according to the different sections of this Act, in such form as may from time to time be directed by the Local Government Board.

Old Age Provident Pensions.

A

B I L L

To provide Pensions in Old Age to the Provident Poor.

(Prepared and brought in by Mr. Bartley, Sir F. Seager-Hunt, and Colonel D. Palmer.)

Ordered, by The House of Commons, *to be Printed,* 8 *February* 1895.

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[*Price* 1*d.*]

[Bill 35.]

Out-door Provident Relief Bill.

MEMORANDUM.

This Bill in no way takes away any of the powers or duties of poor law guardians, or reduces the rights of the poor to relief as they now exist.

It adds powers to the guardians, and gives rights to certain poor persons to receive out-door relief.

The only persons it affects are those who have become destitute in one or other of the following ways :—

(*a*) by temporary illness;

(*b*) by permanent illness;

(*c*) by widowhood;

and who, previous to these misfortunes, have been thrifty and have done something to provide for themselves, and have not been convicted of crime.

For those destitute from illness and still ill, after they have exhausted the benefits of their friendly societies and clubs, it grants out-door relief of the same amount, and for an equal period of time to that granted to the individual by the friendly society benefit.

To those who have saved in other ways and spent all their savings on illness and are still ill, it grants, in weekly sums fixed by the guardians, out-door relief of a total equal amount to that shown to have been expended in illness out of savings.

For those destitute from permanent sickness or the results of accident, the Bill provides out-door relief, provided that they have maintained themselves, without poor law relief, for the first six to eighteen months of their illness, according to their age, either by friendly societies or their savings.

For those destitute from widowhood, and physically unable to support themselves and their children, the Bill provides out-door relief, each class of widow being specified in the Bill, provided either that before widowhood they and their husbands had not had poor law relief, or that thrift had been exercised in some other form, which had been expended either in illness before or in maintenance after the husband's death.

Out-door Provident Relief Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Definitions.
3. Conditions for all recipients.

Temporary Sickness.

4. To members of friendly and other societies.
5. To others who have been thrifty.

Permanent Sickness.

6. Conditions of relief.

Widows.

7. Without surviving children.
8. Able-bodied without children.
9. Able-bodied with infant under twelve months old.
10. Able-bodied with more than two children.
11. Those who are infirm with children.

General.

12. Furniture and tools need not be parted with.
13. Persons convicted of crime to lose benefits.
14. Widows re-marrying.

A

B I L L

TO

Amend the Law relating to Out-door Relief in Sickness and Widowhood to the Provident Poor. A.D. 1895.

WHEREAS a large number of persons in consequence of prolonged illness, and a large number of women in consequence of widowhood and illness, are unable to support themselves and their children :

And whereas it is expedient and necessary for the public weal to encourage and promote throughout life habits of thrift and self-reliance, by which the suffering from sickness and widowhood may be minimised :

And whereas the present system of administering poor law relief does not tend to encourage thrift and self-reliance during youth and health :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Out-door Provident Relief Act, 1895. Short title.

2. In this Act the term "medical officer" means the medical officer of the union making the allowances referred to in the Act ; in this Act when the masculine sex is referred to, it shall apply equally to the female sex. Definitions.

3. The conditions under which any person shall be eligible to claim out-door relief under this Act, shall be as follows :— Conditions for all recipients.

(*a.*) He shall not have been convicted of crime within *fifteen years* from the date of application for relief.

(*b.*) He shall not have been convicted of drunkenness within *ten years* from the date of application for relief.

(*c.*) He shall not have contributed to his illness or accident by his own crime, intemperance, or vice.

A.D. 1895.

(*d.*) He shall, except as provided in section twelve, have exhausted his own resources.

(*e.*) He shall not be a pensioner under the Old Age Provident Pension Act.

Temporary Sickness.

To members of friendly and other societies.

4. When any person complying with section three has, by the continuance of illness, exhausted all the benefits of his friendly or other society or societies, he shall, on the certificate of the medical officer that he is unfit for work and is earning nothing, receive as out-door relief a sum weekly equal to that which he received weekly from the friendly or other society or societies; such allowance shall continue for a period not exceeding that for which he received the friendly or other society or societies allowance, provided that on the report, made at least weekly by the medical officer, he is still unfit for work and is earning nothing.

To others who have been thrifty.

5. When any person complying with section three has, by the continuance of illness, exhausted his savings in the Post Office savings bank or other means of saving, and this can be shown to the satisfaction of the guardians, he shall, on the certificate of the medical officer that he is unfit for work and is earning nothing, receive as out-door relief a weekly sum as the guardians may see fit; such allowance shall continue, provided that on the report, made at least weekly by the medical officer, he is still unfit to work and is earning nothing, for such a period as that the total out-door relief thus received shall not be greater than the savings previously expended in illness and its consequences before the out-door relief was granted.

Permanent Sickness.

Conditions of relief.

6. Any person who has either by the effect of illness or accident become permanently unable to keep himself and his family, though he may be able to earn something towards it, provided—

(*a*) he complies with section three; and

(*b*) provided that he has maintained himself in sickness without poor law relief under section four or section five, or under both sections four and five, for six months if under *twenty-five years* of age, for twelve months if over twenty-five and under *thirty-five years* of age, for fifteen months if over thirty-five years of age and under *forty-five years* of age, and for eighteen months if above forty-five years of age,

shall receive as out-door relief from the guardians a weekly sum to be fixed by the guardians after taking into consideration the ability of his wife and family to assist in his maintenance, and provided that a report be made on his condition at least every three months by the medical officer, and that he continues to be permanently unable to earn his living.

Widows.

Without surviving children.

7. Widows without surviving children who are physically unable to support themselves, though they may be able to assist in so doing, who comply with section three, shall be granted out-door relief not exceeding *five shillings* a week, provided they comply with one or other of the following conditions:—

(*a.*) They and their husbands and children under thirteen years of age have never before widowhood received poor law relief.

(*b.*) If their husbands have died after taking advantage of section four or section five of this Act, or both sections four and five, provided that their husbands have during their illness maintained themselves without poor law relief for six months if under *twenty-five years* of age, for twelve months if over twenty-five years of age and under *thirty-five years* of age, for fifteen months if over thirty-five years of age and under *forty-five years* of age, and for eighteen months if above forty-five years of age.

(*c.*) If their husbands have left them some resources which are exhausted, their widows shall be granted a sum not exceeding *three shillings and sixpence* a week out-door relief, together with an additional *sixpence* a week up to a maximum of *three shillings and sixpence* a week for each ten pounds left by the husband, and expended by the widow in maintenance since the husband's death, provided that the amount spent on funeral and mourning be not reckoned in the amount left, and that each *one pound* left has maintained the widow for at least three weeks.

Able-bodied without children.

8. Able-bodied widows without children, or with children over thirteen years of age, complying with section three shall not be allowed out-door relief under this Act.

It shall nevertheless be lawful for guardians to make a temporary grant either to start in business, or otherwise, any such able-bodied

A.D. 1895.

widow who can show that her husband's savings were exhausted in his illness before any poor law relief had been obtained, and when it shall seem to the guardians that their children are not in a position to assist them.

Able-bodied with infant under 12 months old.

9. Any able-bodied widow having an infant at the time of her widowhood, or born in due time afterwards, complying with section three, shall receive *five shillings* a week out-door relief until the infant is twelve months old, if she comply with the following conditions :—

(*a.*) She and her husband and children under *thirteen years* of age have never before widowhood received poor law relief.

(*b.*) If her husband has died after taking advantage of section four or section five of this Act, or both sections four and five, provided that the husband has, during his illness, maintained himself without poor law relief for six months if under *twenty-five years of age*, for twelve months if over twenty-five years of age and under *thirty-five years of age*, for fifteen months if over thirty-five years of age and under *forty-five years of age*, and for eighteen months if above forty-five years of age.

Able-bodied with more than two children.

10. Able-bodied widows with more than two children under thirteen years of age, complying with section three, who cannot maintain their families, shall receive out-door relief as follows :—

(*a.*) Those who themselves, their husbands and children, have, before widowhood, never received poor law relief, shall be allowed *two shillings and sixpence* a week out-door relief for each child more than two under *thirteen years* of age.

(*b.*) Those whose husbands have left their widows some resources, which are now exhausted, shall be allowed out-door relief of *two shillings and sixpence* a week for each *five pounds* left by the husband and expended by the widow in maintenance since the husband's death, provided that the amount spent in the funeral and mourning be not reckoned, and provided that the amount of out-door relief do not exceed *two shillings and sixpence* a week for each child, less two, under thirteen years of age in the family, and provided that the amount left has maintained the family for at least a period equal to that for which the amount left would last as an allowance of *two shillings and sixpence* a week a head.

Those who are infirm with children.

11. Widows with children who are physically unable to support themselves and their families, though they may be able to assist

in so doing, and who comply with section three, shall receive out-door relief as follows:— A.D. 1895.

(*a.*) When the widow, her husband and children under thirteen years of age, before widowhood have never received poor law relief, a sum of *two shillings and sixpence* a week for the widow and two shillings and sixpence a week for each of the children under thirteen years of age shall be granted as out-door relief.

(*b.*) When the husband has left some resources, or when friends and relations have subscribed resources which are now exhausted, out-door relief to the extent of *two shillings and sixpence* a week for each five pounds left or subscribed (the amount spent in funeral and mourning not being reckoned) shall be paid as out-door relief, provided that the amount so allowed as out-door relief amounts to but does not exceed *two shillings and sixpence* a week per head of the family, counting the widow and all the children under thirteen years of age, and providing that the amount left or subscribed has kept the family for a period equal to that for which the amount left or subscribed would last as an allowance of two shillings and sixpence a week a head.

General.

12. Where this Act requires that savings shall be exhausted as a condition of out-door relief, ordinary furniture and tools shall be exempt, and out-door relief may be granted under this Act without requiring ordinary furniture or tools to be parted with. Furniture and tools need not be parted with.

13. Anyone receiving a benefit under this Act who shall be convicted of crime or drunkenness, or be proved to the guardians to be living in vice or immorality, shall cease to receive any benefits under the Act. Persons convicted of crime to lose benefits.

14. Any widow re-marrying shall cease to receive any benefits under sections seven, eight, nine, ten, and eleven of this Act. Widows re-marrying.

Out-door Provident Relief.

A

B I L L

To amend the Law relating to Out-door Relief in Sickness and Widowhood to the Provident Poor.

(*Prepared and brought in by Mr. Bartley and Sir Frederick Seager-Hunt.*)

Ordered, by The House of Commons, *to be Printed*, 11 *February* 1895.

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[Bill 89.]

A

B I L L

TO

Make temporary provision for the Relief of Distress in Ireland. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of power to grant out-door relief in food and fuel.

1.—(1.) At any time before *the first day of September, one thousand eight hundred and ninety-five*, the Local Government Board for Ireland may, if they think fit, by order under their seal authorise the board of guardians of any poor law union to administer relief in food or fuel, out of the workhouse, for any time not exceeding *two months* from the date of such order, to any poor persons resident in the union, and the said board may, by a like order, revoke any such order either wholly or partly or with reference to any particular person or class of persons.

(2.) On the receipt by the guardians of any union of any order of the said board authorising such relief, the guardians shall make provision for affording such relief accordingly for such time and on such conditions as may be specified in the order or until the said order is revoked.

25 & 26 Vict. c. 83.

(3.) The proviso in section two of the Poor Relief (Ireland) Act, 1862, shall not apply in the case of any persons for whom relief is authorised under this Act.

(4.) The expenses incurred in affording relief to any person relieved under this Act shall be charged in the same manner as if such expenses had been incurred in affording relief in the workhouse to such person under the Acts relating to the relief of the destitute poor in Ireland.

[Bill 170.]

A.D. 1895.

Confirmation of expenditure by guardians and indemnity.

2. If at any time before *the passing of this Act* any outlay has been made by any board of guardians with the sanction of the Local Government Board for Ireland for the purpose of providing out-door relief in food or fuel, such outlay and all resolutions and proceedings of the board of guardians and of their officers in relation thereto, shall be ratified and confirmed and be as valid and effectual as if the outlay had been made and the resolutions and proceedings had been passed and taken under the authority and in compliance with the provisions of this Act; and all persons who have acted in any manner in making any such outlay or otherwise in providing such relief shall be released and indemnified from and against any penalties and surcharges in consequence thereof.

Out-door relief not to involve electoral disability.

3. No electoral disability or loss of any parliamentary or other franchise shall be incurred by any person by reason of a grant of out-door relief having been made to him under this Act, or by reason of any such grant ratified under this Act.

Short title.

4. This Act may be cited as the Out-door Relief (Ireland) Act, 1895.

Out-door Relief (Ireland).

A

B I L L

To make temporary provision for the Relief of Distress in Ireland.

(Prepared and brought in by Mr. John Morley and Sir John Hibbert.)

Ordered, by The House of Commons, *to be Printed*, 18 *March* 1895.

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[Bill 170.]

Parish Councils (Labourers' Cottages) Bill.

MEMORANDUM.

The object of this Bill is to enable parish councils to buy or build cottages suitable for labourers where they may deem it necessary to do so and the county council approve.

Section 6 of the Labourers (Ireland) Act, 1883, as amended by section 3 of the Labourers (Ireland) Act, 1892, defines the class of cottage to be erected and enables a plot or garden not exceeding a statute acre to be allotted to each cottage. It is proposed to extend these provisions, which have been applied in Ireland, to England.

A

B I L L

TO

Amend the Local Government Act, 1894, so as to empower Parish Councils to provide or acquire Cottages for Labourers. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction. 56 & 57 Vict. c. 73.

1. This Act may be cited as the Local Government Act, 1895, and shall be construed as one with the Local Government Act, 1894.

Power to provide cottages.

2. In subsection (1) of section eight of the Local Government Act, 1894, between paragraphs (*b*) and (*c*) there shall be inserted the following paragraph:—

"(*bb.*) To provide or acquire such cottages for labourers with or without such plots or gardens as provision is made for by section six of the Labourers (Ireland) Act, 1883, as amended by section three of the Labourers (Ireland) Act, 1892." 46 & 47 Vict. c. 60. 55 Vict. c. 7.

Expenses. 56 & 57 Vict. c. 73.

3. If the parish meeting so resolve with the approval of the county council, the expenses of the parish council in the execution of this Act not exceeding *threepence* in the pound (calculated in the same way as in section eleven, subsection (3), of the Local Government Act, 1894), shall not be included in or reckoned towards the limit of sixpence imposed by the said subsection (3) of the said section eleven.

Parish Councils (Labourers' Cottages).

A

B I L L

To amend the Local Government Act, 1894, so as to empower Parish Councils to provide or acquire Cottages for Labourers.

(*Prepared and brought in by Mr. Dodd, Mr. Everett, Mr. Broadhurst, Mr. Arch, and Mr. Warner.*)

Ordered, by The House of Commons, *to be Printed*, 14 *February* 1895.

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[Bill 109.]

Parliamentary Elections Bill.

MEMORANDUM.

The present Bill to consolidate, simplify, and amend the law relating to parliamentary elections is the first attempt yet made to embody in one measure the various complicated statutory provisions in numerous Acts of Parliament on this subject.

In by far the larger portion of this Bill the existing law is simply reproduced with such verbal alterations and modifications as were needed to fit in the various provisions with the proposed amendments of and alterations in the law proposed by this Bill. Wherever possible the exact words of existing statutes are retained, with the view of reducing the debatable matter, as far as practicable, to a minimum.

For the most part the law as it now exists is simply reproduced in the words of the several statutes particularly as regards :—

(1.) The provisions relating to illegal and corrupt practices.
(2.) The provisions relating to procedure at elections.
(3.) The law relating to election petitions.
(4.) The provisions relating to issue of writs, with modifications, and fixing date of election.
(5.) The method of taking votes at elections.

The chief alterations in the law proposed by this Bill are :—

(1.) The substitution of simple residential manhood suffrage as the qualification for the election of members to serve in Parliament in lieu of all existing franchises.
(2.) The abolition of dual voting at elections.
(3.) Simplification of the registration laws to accord with the proposed new franchise, mostly based on the provisions of the Scotch law.
(4.) Alterations in the law as to the appointment and duties of returning officers in view of the new proposals contained in the Bill.
(5.) The diminution of election expenses to candidates, and the payment of certain charges out of the Consolidated Fund.

(6.) At general elections all elections to be on one and the same day throughout the United Kingdom.

(7.) The abolition of the registration courts for the revision of lists of voters.

(8.) The repeal of the Septennial Act, and the substitution of triennial parliaments.

(9.) The closing of public and licensed houses on the day of election.

Parliamentary Elections Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
2. Repeal of Acts.
3. Saving.

PART I.

4. All existing franchises to be abolished. New enfranchising clauses substituted.
5. Enfranchisement of aliens. 33 & 34 Vict. c. 14. s. 7.
6. Universities' franchise amended as regards form of proxy voting papers, but otherwise not affected by this Act.

PART II.

7. Registration officers to be nominated specially for this Act. (Taken from 17 & 18 Vict. c. 91. s. 3, Scotch Act, which first established assessor for counties, and from 19 & 20 Vict. c. 58., which extended assessors in Scotland to boroughs by s. 7.)

Power to the Home Secretary to remove registration officer for neglect of duty or for other assigned cause.

8. Registration and returning officers disqualified from voting or holding any parochial office. (Enlarged from 19 & 20 Vict. c. 58., Scotch Act.)
9. Provision for filling up ad interim offices on which duties are imposed by this Act. (Based on 19 & 20 Vict. c. 58., Scotland.

Clause.

10. Each registration officer to have place of business in each constituency or electoral division, and returns of such addresses to be published in "Gazette."

11. Provision as to service of notices. (Based on 19 & 20 Vict. c. 58., Scotland.)

12. Overseers and vestries to allot an official place of business to registration officer. 24 & 25 Vict. c. 125.

13. Registration officer to be paid a salary at rate of *l.* per annum out of Consolidated Fund.

14. Advertisements under this Act. (From 19 & 20 Vict. c. 58. s. x., Scotland.)

15. Registers put up to be maintained; if removed, &c., to be replaced. (From s. x., 19 & 20 Vict. c. 58., Scotland.)

16. Penalty for injury to registers of voters put up. (From s. xii., 19 & 20 Vict. c. 58., Scotland.)

17. Register of voters not invalidated by deficient publication. *See* 19 & 20 Vict. c. 58. s. xiii. (Scotland).

18. Errors of officers not to affect claims, &c. *See* 19 & 20 Vict. c. 58. s. xiv.

19. Registration officer to make out register of voters. *See* 19 & 20 Vict. c. 58.

20. Mode in which register of voters and official register of voters to be made up. (Taken from 19 & 20 Vict. c. 58. s. 2, Scotland.)

21. Qualification of elector, residence three months.

22. Registration officer to place name of every person entitled to vote on register of voters.

23. Registration officer to require overseers to serve requisition on occupiers and others.

24. Duty of person served to make return. Penalty.

25. Service of notice.

26. Penalties on registration officer for neglect of duty. *See* s. 40 of 19 & 20 Vict. c. 58.

27. Liability of registration officer or other person on whom a duty is imposed by this Act in damages by civil action to the person aggrieved in such sum not exceeding 500*l.* as a jury may award. (From first Scotch Reform Act, 2 & 3 Will. IV. c. 65.)

Clause.

28. Parochial authorities to afford registration officer facilities in preparing register of voters.

29. As to mode of publication by registration officer of register of voters, and notification to each voter of the entry thereon of his name and requiring voter to correct any inaccuracy as regards himself or other voters.

30. Claims to be on the register of voters.

31. Mode of claiming to be on register. Form of claim, Second Schedule.

32. Claimants to be placed on registers may be objected to on notice given to the registration officer. *See* 19 & 20 Vict. c. 22.

33. Printing and publishing list of voters.

34. Exhibition of list of voters.

35. Inspection of list of voters daily and freely.

36. Registration officer to revise register.

37. Registration officers to have powers of revising barristers in reference to disposing of claims.

38. False oath or affirmation to be deemed perjury.

39. List of voters to be finally revised by registration officer.

40. Magistrates to adjudicate upon all disputed claims.

41. Register of electors to be signed by registration officer.

42. Register to be published on October first yearly.

43. Election to take place on signed register.

44. Omission of voter from register to be punishable. Penalty of 40*s*.

45. Wilful or negligent omission of name of voter to give person omitted a penalty of 10*s*.

46. Summary jurisdiction in all cases.

47. Register of voters to be open for inspection.

48. Any person to have copy of register for five shillings.

49. Cost of list of voters and printing register of voters to be paid out of the rates.

50. Copy of register to be sent to Home Office, House of Commons, and libraries of the universities, Registrar-General, clerks of peace.

51. Lists of university voters to be similarly sent.

52. Removal cards to electors removing after the first November in each year.

Clause.
53. Removal claims to vote.
54. Re-issue of removal card.
55. Re-removal claims to vote.
56. Refusal of registration officer to issue removal card.
57. Renewal of removal card in case of the one issued being lost.
58. Personating a voter.
59. Fraudulent attempt to obtain or use card.
60. Fraudulently aiding or abetting attempt to obtain or use card.
61. Personation or voting twice at an election.
62. Returning officer to charge the offender, &c.
63. Removing or defacing list of voters, register, or other document, to be an illegal practice.

PART III.

APPOINTMENT AND DUTIES OF REGISTRATION AND RETURNING OFFICERS UNDER THIS ACT.

64. Mode of appointment of registration and returning officers, deputy officers, &c.
65. Responsibility and duties of registration and returning officers.
66. Registration and returning officer and deputy not to act as election agent.
67. Appointment of registration and returning officer, &c. to be approved by the Secretary of State.
68. Return to be made to the Home Office of all such appointments.
69. Sheriffs to make such returns annually.
70. Return as to appointment of deputy by registration and returning officers.
71. Registration and returning officer to hold office for five years.
72. To retire firstly in January 1892, and subsequently every fifth year.
73. To be eligible for re-appointment.
74. May retire from office upon giving proper notice.
75. Shall vacate his office in certain cases.
76. Appointment in case of vacancy by death and otherwise.

Clause.

77. Registration and returning officer, &c. to take oath of secrecy.
78. Violation of oath of secrecy. Penalty.
79. Ballot boxes, &c., &c., to be in custody of registration and returning officer.
80. Registration and returning officer to deliver over to his successor in office all papers, documents, and things in his possession.
81. To account to the Treasury for all moneys received.

Regulations as to Polling, &c.

82. Convenient polling stations to be provided.
83. Use of schoolrooms, &c. for poll to be free of charge.
84. Returning officer to keep order in polling station, &c.
85. To provide all necessaries for conducting the election.
86. Shall appoint counting clerks to count the votes.
87. Shall decide as to the validity of votes.
88. Shall have power to ask questions and administer oath.
89. Wrongfully refusing, &c. to receive vote. Penalty.

PART IV.

EXPENSES OF ELECTIONS.

90. Returning officer's costs to be paid out of the Consolidated Fund.
91. Charges of registration and returning officer to be sent to the Treasury, and to be laid before Parliament.
92. Candidate's address to be sent to each registered elector post free. No other communication to be enclosed; penalty for infringement.
93. Wilfully and knowingly violating section, or using official envelopes for other purposes, a misdemeanour.
94. Official envelopes to be provided by postal authorities.
95. Forfeiture of cost of postage by bogus candidates.
96. Poll card to be sent to each elector by the returning officer.
97. Such poll card to be delivered post free.
98. Cost of poll cards, &c. to be part of official expenses.
99. Other lawful expenditure to be borne by candidates.

Clause.
100. Excessive expenditure above maximum.
101. Return of election expenses.

PART V.

ILLEGAL AND CORRUPT PAYMENTS AND PRACTICES.

Illegal Practices.

102. Canvassing by hired persons illegal.
103. Canvassing by persons likely to unduly influence; canvassing by magistrates, police, &c. prohibited; systematic canvassing generally.
104. Payment, &c. for conveyance of voters to the poll illegal.
105. Letting, lending, or employing conveyance, &c. illegal.
106. Hiring, borrowing, or using conveyances, &c. illegal.
107. Illegal payments to be an illegal practice.
108. Payment, &c. for exhibiting bills, &c.; employment of bands of music, flags, &c.; committee rooms in excess of number; to be an illegal practice.
109. Corrupt withdrawal of candidate.
110. Publishing false statements of withdrawal of candidate.
111. Illegal employment.
112. Persons illegally employing or being employed.
113. Illegal hire of committee rooms and use of certain rooms for meetings illegal.
114. Hiring or letting such rooms illegal.
115. Use of certain rooms for meetings lawful in certain cases.
116. Bill, placards, notices, &c. to bear name of printer.
117. Voting of prohibited person.
118. Payment of election expenses through agent.
119. Payments in excess of maximum illegal.
120. Providing money for illegal purposes or in excess of maximum.
121. Every payment to be vouched.
122. Claim as to expenses to be sent in within fourteen days.
123. All payments to be made within twenty-eight days.
124. Relief to candidate in certain cases.
125. Disputed claims.
126. Order of court as to payment.

Clause.
127. Leave by High Court or county court.
128. Return of election expenses within thirty-five days.
129. Declaration by election agent.
130. Declaration by candidate.
131. Declaration by candidate when his own election agent.
132. Failure to make return an illegal practice.
133. If failure due to others, candidate exonerated.
134. Exemption of candidate and agent in certain cases.
135. Exemption in case of illness or death.
136. Relief by court in certain cases.
137. Failure to transmit return after expiration of leave given.
138. Members sitting and voting after date for transmitting return.
139. Claim of election agent against candidate.
140. Taxation of claims by court.
141. Saving for creditors.
142. Intimidating, threatening, or injuring voter at meeting, &c. to be an illegal practice.
143. Persons neglecting to prevent such intimidation, &c. to be guilty of an illegal practice.
144. If candidate personally privy to intimidation, &c. to be guilty of an illegal practice.
145. Penalty for illegal practices—any person, agent, or sub-agent, or candidate.

Corrupt Practices.

146. Personation, or aiding and abetting personation.
147. Treating to be a corrupt practice.
148. Being treated to be a corrupt practice.
149. Undue influence.
150. To be a corrupt practice.
151. Bribery.
152. Procurement of office or employment.
153. Gift, loan, or promise of gift or loan, &c.
154. Person corruptly aiding the return of any candidate.
155. Person supplying money, &c. corruptly to return any candidate.
156. Person corruptly receiving money, &c. to vote.

Clause.
157. Person corruptly receiving money, &c. for voting.
158. Corrupt payment of rates or remission of rent.
159. Corruptly receiving payment or remission.
160. Corruptly paying fee, &c. to or for any university voter.
161. Penalty for corrupt practices in various cases.
162. Corrupt withdrawal of election petition.
163. Making false declaration; relief in certain cases.
164. Employment of person convicted of illegal or corrupt practices.
165. General corruption or illegal practices to void election, &c.
166. Person to include society, association, committee, &c.

PART VI.

Conduct and Management of Elections, Method of Polling, Day of Poll, Returns, &c.

Declaratory Ancient Statutes.

167. Elections to be free.
168. Interference by peers and prelates to be a corrupt practice.
169. Soldiers to be confined to barracks during election.
170. Notice by clerk to the Crown to Minister of War, &c.
171. Militia, yeomanry, and volunteers.
172. Registered elector not to be compelled to serve as special constable during election.
173. Liability on persons not performing any pre-requisite for qualification under this Act.
174. Penalty for refusing to give effect to preceding section.
175. Liability in civil action to party aggrieved.
176. Parties conspiring, penalties.
177. Officers appointed under this Act obstructing voter.

Issue and Return of Writ.

178. Time limited between teste and return of writ.
179. Lord Chancellor to fix date of election and issue writs.
180. Issue of precept for election.
181. Delivery of precept to returning officer.
182. Returning officer to give public notice of election.

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Clause.
183. Dates of nomination and election.
184. Day of nomination and election respectively to be the one and the same throughout the United Kingdom.
185. Parliament may be summoned within thirty-five days.
186. Member accepting office under the Crown.
187. Contractors to the Government not to sit or vote.
188. Vacancy after general election; Speaker to issue warrant for new writ.
189. Issue of writ in case of vacancy during recess.
190. Member accepting office to notify the Speaker.
191. Bankrupt to vacate his seat in Parliament.
192. Certificate of bankruptcy to be given by the court to the Speaker who shall issue new writ.

Nomination and Election.

193. Nomination of candidate.
194. Declaration of election if no opposition.
195. Adjournment for election.
196. Withdrawal of candidate.
197. Death of candidate after nomination.
198. Vacancy caused by death during election.

Polling at Elections.

199. Votes at elections to be given by ballot.
200. Polling stations to be open from 8 a.m. to 9 p.m.
201. Ballot boxes to be sealed at close of poll.
202. Ballot boxes to be opened in presence of candidates or agents.
203. Declaration of return by returning officer.
204. Returning officer's decision final, except scrutiny demanded.
205. Casting vote by returning officer.
206. Recounts of votes may be demanded.
207. The Seventh Schedule to be construed with Act.
208. Offences at elections with respect to nomination and ballot papers, &c.
209. Returning officer to prosecute.
210. Infringement of secrecy at polling station.
211. Infringement of secrecy at counting votes.

Election Agents.

Clause.
212. Appointment of election agent.
213. Appointment of agent may be revoked.
214. Appointment of sub-agents.
215. Act of sub-agent deemed act of agent.
216. Declaration of name and address of sub-agent.
217. Power to revoke appointment of sub-agent.
218. Agent and sub-agent to have public office.
219. Agent to appoint polling clerks, &c. and hire committee rooms.
220. Contracts not enforceable unless made by agent.

Election Expenses, Payment of, &c.

221. Personal expenses of candidate.
222. Statement of personal expenses to be sent to agent.
223. Petty expenses by other person authorised.
224. Statement of petty expenses to be sent to agent.
225. Authorised excuse for non-compliance as to return and declaration respecting election expenses.
226. Publication of summary of return of election expenses.

Disqualification of Electors.

227. Prohibition of certain persons from voting.
228. Prohibition of disqualified persons from voting.
229. Hearing of person charged with offences under this Act before he is reported guilty of breach thereof; provisions as to appeals, &c.
230. List in register of voters incapacitated for voting by corrupt or illegal practices.

Proceedings in Election Petition.

231. Time for presentation of election petitions alleging illegal practices.
232. Withdrawal of election petition.
233. Continuation of trial of election petition.
234. Attendance of Director of Public Prosecutions, &c.
235. Power of election court to order payment, &c.

Miscellaneous.

Clause.
236. Inquiry by Director of Public Prosecutions into alleged corrupt or illegal practices.
237. Removal of incapacity on proof that it was procured by perjury.
238. Amendment of the law as to polling places, &c.
239. Expenses to be charged to the Consolidated Fund.
240. Election commissioners not to inquire into elections before the passing of this Act.

Legal Proceedings.

241. Trial in Central Criminal Court for corrupt practices at instance of Attorney General.
242. Limitation of time for prosecution of offence.
243. Persons charged with corrupt practice may be found guilty of illegal practice.
244. Costs and expenses of prosecutions under this Act.
245. Costs in cases of private prosecutions under this Act.
246. Prosecutions on summary conviction may appeal to quarter sessions.
247. Application of Summary Jurisdiction and Indictable Offences Acts to proceedings before election courts.
248. Exercise of jurisdiction of High Court, and making rules of court.
249. Director of Public Prosecutions, and expenses of prosecutions.
250. Recovery of costs payable by county or borough or person. Supplemental provisions, definitions, savings, and repeal.
251. Obligation of witness to answer, and certificate of indemnity.
252. Submission of report of election court, &c. to Attorney General.
253. Breach of duty by officer.
254. Publication and service of notice.
255. Definition of candidate, and saving.
256. General interpretation of terms.
257. Short titles.
258. Repeal of Acts.
259. Commencement of Act.

Application to Scotland and Ireland.

Clause.
260. Application of Act to Scotland, modifications, definition of terms, &c.
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262. Triennial parliaments.
263. Day of election to be the same throughout the United Kingdom.
264. Polling to be on the same day throughout the United Kingdom.
265. Date of general election to be fixed by Lord Chancellor.
266. Interval between day of nomination and polling to be uniform.
267. Regulations as to dates, &c. at intermediate election to be the same as for the statutory general election.
268. Issue of writs.
269. Provisions of other sections of Act to apply.
270. The statutory general election to be held in October.
271. Elections to be on new register.
272. Intermediate elections.

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273. Licensed premises to be closed on day of polling.
274. Penalty for opening for sale of intoxicating liquors.
275. Effect of second conviction for violation of this Act.
276. Persons found on licensed premises during prohibited hours guilty of offence.
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A

B I L L

TO

Consolidate and amend the Law relating to Parliamentary Elections, and for other purposes relating thereto. A.D. 1895.

WHEREAS it is expedient to amend and simplify the law relating to parliamentary elections:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Parliamentary Elections Act, 1895. Short title.

2. From and after *the passing of this Act* all statutes and parts of statutes relating to the several matters herein set forth, except as provided by this Act, shall be and are hereby repealed. Repeal of Acts.

3. Provided that nothing in this Act shall affect any matters done under existing Acts, or any persons subject to the provisions of existing Acts at the date of the passing of this Act. Saving.

PART I.

Franchises.

4. From and after *the passing of this Act* all existing franchises, except as herein-after provided, shall be abolished, and in lieu thereof the following shall be substituted and have effect; All existing franchises to be abolished.

(1.) Every male person of the full age of twenty-one years and not subject to any physical or legal incapacity shall be qualified to be placed on the list of registered voters for the county, borough, or division of the county or borough, or city in which he resides at the date at which the duly authorised register for such electoral division is made up. Registered manhood suffrage. *See* 30 & 31 Vict. c. 102. s. 3.

A.D. 1895.

Residence for three months.

(2.) Provided that the said male person shall have resided in such electoral division continuously for a period of *three calendar months* preceding the date specified in this Act.

Aliens.

(3.) Provided further that such male person is not an alien.

Peers and bishops.

(4.) Provided also that such male person is not a peer of the realm or lord spiritual sitting in the House of Lords.

Scheduled persons.

(5.) Provided also that such male person is not named in the schedules mentioned or referred to in the thirteenth, fourteenth, fifteenth, and sixteenth sections of the Representation of the People Act, 1867, or otherwise disqualified by having been found guilty of corrupt practices.

Army and navy.

(6.) Provided also that such male person is not in Her Majesty's regular military or naval service, save and except he is employed in the capacity of a civilian.

In receipt of parochial relief.

(7.) Provided also that such male person is not in receipt of parochial relief, temporary medical relief for himself or family excepted.

Exceptions: prisoners, lunatics, paupers, soldiers, and sailors.

(8.) Provided also that such male person is not a resident in or an inmate of any prison or house of detention, lunatic asylum, parochial workhouse, army barracks, constabulary barracks, naval station, or on board one of Her Majesty's ships of war.

Persons not to be disfranchised by reason of vaccination or remission of school fees.

(9.) For the purposes of this Act no person shall be deemed to be in receipt of parochial relief, or shall be disfranchised by reason of having been himself or any of his family vaccinated free of cost by any local practitioner appointed for that purpose by the Local Government Board, or by any local authority.

Enfranchisement of aliens. 33 & 34 Vict. c. 14. s. 7.

5.—(1.) Any male person of foreign birth of the full age of twenty-one years who shall have resided in the United Kingdom continuously for a period of not less than *five years*, or who may have been in the service of the Crown for not less than *five years*, and intends, when naturalized, to reside in the United Kingdom, and who has taken out a certificate of naturalization, shall be entitled to be placed on the registered list of voters for the place in which he resides and has resided continuously for three calendar months preceding the date at which the register is made up:

Statutory alien. 33 & 34 Vict. c. 14. s. 8.

(2.) And any natural-born British subject who may have become an alien in pursuance of the Act 33 & 34 Vict. c. 14., herein referred to as a statutory alien, of the full age of twenty-one years, who shall have fulfilled the statutory provisions of the aforesaid Act as to re-admission as a British subject, and shall have resided continuously in the electoral division for a period of three months, shall be entitled to be placed on the registered list of voters for the place in which he

resides, and has resided continuously for three calendar months preceding the date at which the register is made up.

Aliens, residence of three months.

Provided that such male person shall have become naturalized or re-admitted as a British subject prior to the commencement of the qualifying residential period named in this Act.

Certificate of naturalization.

(3.) Any male person of foreign birth being desirous of becoming naturalized, or in the case of a statutory alien re-admitted, shall be entitled to a certificate of naturalization upon subscribing to the form of oath or declaration set forth in the First Schedule to this Act, and upon the payment of not more than *one pound* sterling for fees and stamps inclusive for such certificate.

Stamps and fees.

6. Save and except as provided by this section, and the sixty-third and sixty-fourth rules in the Seventh Schedule as herein mentioned, this Act shall not affect any franchise or right now existing to vote for a member to serve in Parliament for the universities of Oxford, Cambridge, London, Dublin, Edinburgh and St. Andrews, and Glasgow and Aberdeen universities; and every male person of full age and not subject to any legal incapacity who but for the passing of this Act is now or may be entitled to vote at elections for members to serve in Parliament for the said universities shall be entitled to vote in the form and manner now prescribed by law, subject nevertheless as regards voting by means of voting papers to the regulations and provisions contained in Part II. of the Seventh Schedule to this Act, which are hereby substituted for the provisions in the first and second sections of the Act 24 & 25 Vict. c. 53., and the schedule to the said Act, and the Universities Elections Act, 1868, which said sections, schedule, and Acts respectively, so far as the same are inconsistent with the said schedule to this Act, are hereby repealed.

Universities franchise amended as regards form of proxy voting papers, but otherwise not affected by this Act. Schedule VII., pp. 97.

(1.) Provided always, that such electors shall not vote at the same election in any other constituency in the exercise of any other franchise whatsoever.

Universities voters not to have double, but only one vote.

A.D. 1895.

PART II.

REGISTRATION OF VOTERS.

Registration officers to be nominated specially for this Act. (Taken from 17 & 18 Vict. c. 91. s. 3. Scotch Act, which first established assessors for counties, and from 19 & 20 Vict. c. 58. which extended assessors in Scotland to boroughs by sec. 7.) See 48 Vict. c. 16. s. 9.

7. The persons respectively who are by this Act authorised or enabled to appoint the returning officers for the several counties and boroughs or divisions of counties and boroughs in the United Kingdom, shall, so soon as may be within the period of one calendar month after the *passing of this Act*, nominate and appoint fit and proper persons to be "registration officers" for each electoral division to perform the duties imposed on the registration officers under this Act, and shall make public advertisement (1) of any such appointment in England in the "London Gazette" and in some one or more newspapers circulating in the electoral division in respect of which the registration officer is appointed; and (2) as regards any such appointment in Scotland in the "Edinburgh Gazette," and in the "North British Advertiser," and in some one or more newspapers circulating in the constituency or electoral division in respect of which the registration officer is appointed; and (3) as regards any such appointment in Ireland, in the "Dublin Gazette," and some one or more newspapers circulating in the electoral division for which such registration officer shall be appointed, and every such registration officer so appointed shall from the date of his appointment be specially charged with all the duties incumbent on the registration officer under this Act, and the appointment of each registration officer shall be for a term of *five years* counting from the *first day of March one thousand eight hundred and ninety-six*, and on every occasion where in any electoral division a registration officer so appointed shall cease to hold office the said persons directed to appoint registration officers as aforesaid, shall, at latest within one month thereafter, appoint another successor to act as aforesaid, and make public advertisement of such appointment as before mentioned, and every registration officer shall within three days after his appointment notify the same in writing to the Home Office, and Her Majesty's Principal Secretary of State for the Home Department shall on the first week in March publish in the "London Gazette," "Edinburgh Gazette," and "Dublin Gazette," the names and official addresses of all the said registration officers in the alphabetical order of each electoral division.

Power to the Home Secretary to remove registration officer for neglect of

Provided always, that it shall be lawful for Her Majesty's Principal Secretary of State for the Home Department to declare by writing under his hand that any registration officer has been guilty of neglect of duty or duties under this Act, and it shall be lawful for the Home Secretary for that or for any cause which may

appear fit and proper to the Home Secretary, and which may be mentioned in such writing aforesaid, to declare that the appointment of the registration officer has terminated as if by effluxion of the said term of five years, and thereupon as from the date mentioned in the said writing under the hand of the Home Secretary, the registration officer mentioned in the said writing shall cease to exercise any functions under this Act, and be incapacitated from acting thereafter as a registration officer, and another registration officer shall be appointed in the place of the registration officer mentioned in such writing.

duty or for other assigned cause.

8. No registration and returning officer appointed under this Act, whilst he continue such registration and returning officer, and no clerk, deputy, or agent of or person employed by such registration or returning officer, shall be eligible to be registered as a voter or to vote or take part in any election of a member to serve in Parliament or in any municipal election, and no such officer, clerk, deputy, or agent of or person employed by such registration or returning officer, shall be and he is hereby disqualified from being or acting as an overseer, collector of poor rates, guardian of the poor, vestry clerk, clerk to the guardians, sheriff clerk, or clerk of supply, or from filling any parish or ward office whatsoever, or from being employed as collector of rent, factor for heritable property, land agent, or bailiff or steward, or deputy steward, for or in respect of any property within the electoral division for which such registration and returning officer is appointed under this Act.

Registration and returning officers disqualified from voting or holding any parochial office. Enlarged from 19 & 20 Vict. c. 58. (Scotch Act).

Provided always, that any person who may have been a revising barrister, acting in any electoral division of the United Kingdom, in pursuance of Acts existing before the commencement of this Act, shall not be ineligible for appointment as registration and returning officer by reason of having filled any such prohibited office under any Act by this Act repealed.

Revising barrister under existing Acts not ineligible for appointment under this Act.

9. Where in any electoral division any office upon the holder whereof duties are imposed by this Act shall become vacant it shall be competent for the said persons who are hereby authorised and required to appoint registration and returning officers, and they are hereby authorised and required, in the event it shall appear to the said persons to be necessary or expedient in order to the carrying out of the purposes of this Act, to appoint a person to perform ad interim for a period not exceeding *three calendar months* the duties of such office, in so far as imposed by or necessary for the purposes of this Act; and the person so to be

Provision for filling up ad interim offices on which duties are imposed by this Act. Taken from 19 & 20 Vict. c. 58. (Scotland).

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appointed shall be charged with and perform such duties until such office be duly filled up, and shall be entitled to such reasonable remuneration therefor as may be fixed by such persons so appointing the interim registration and returning officer with the approbation of Her Majesty's Principal Secretary of State for the Home Department, and *such remuneration shall be payable in the like manner and out of the like funds.*

Each registration officer to have place of business in each constituency or electoral division and returns of such addresses to be published in Gazette.

10. Every registration officer or interim registration officer shall have within each constituency or electoral division a place for transacting official business, and the same shall be open for transaction of business from *eight o'clock a.m.* till *nine o'clock p.m.* during the months of July, August, and September in each year, and the address of such place or office shall be notified to every clerk of peace, town clerk, and vestry clerk acting or exercising jurisdiction or functions for any part of the electoral division in respect of which the registration officer or interim registration officer is appointed, and shall be published by the "registration" or interim registration officer in the "London Gazette" as regards appointments in England and Wales, and in the "Edinburgh Gazette," as regards appointments in Scotland, and in the "Dublin Gazette," as regards appointments in Ireland.

Provision as to service of notices. Based on 19 & 20 Vict. c. 58. (Scotland).

11. Whenever any notice is by this Act required to be given to the registration or interim registration officer it shall be sufficient if such notice shall be delivered to him or sent to him by post, postage prepaid, or left at his place for transacting his official business, and wherever by this Act any notice is required to be given to any other person it shall be sufficient if such notice be sent by the post, postage prepaid, addressed with a sufficient direction to the person to whom the same ought to be given at his usual place of abode.

Overseers and vestries to allot an official place of business to registration officer. 24 & 25 Vict. c. 125.

12. It shall be lawful for the overseers and vestries who by law now have or hold or may hereafter acquire places for the transaction of official business of the parish, and for any local authority as defined by section thirty-four of the thirty-eighth and thirty-ninth Victoria, chapter eighty-three to allot free of charge to the registration officer or interim registration officer in their respective places for the transaction of official business an office for transacting his official business under this Act.

Registration officer to be paid a salary at rate of *l.* per annum out of Consolidated Fund.

13. *In payment and full discharge of all proper and reasonable fees for the trouble, care, and attention in performance of the services and duties on each registration officer imposed on him by this Act, and for all clerks, messengers, and other persons employed by or under his direction, there shall be paid out of the Consolidated*

Fund the salary of pounds for each year, commencing from the date of the appointment of each such registration officer, and so in proportion for each fraction of the year, and such salary shall be paid quarterly or otherwise as Her Majesty's Treasury shall direct.

Advertisements under this Act. From 19 & 20 Vict. c. 58. s. x. (Scotland).

14. In all cases where any notice is directed by this Act to be advertised in any newspaper, such advertisement shall be repeated in the same or some similar newspaper not earlier than six and not later than eight days after the day on or before which such advertisement is herein required to be published.

Registers put up to be maintained. From s. xi. 19 & 20 Vict. c. 58. (Scotland).

If removed, &c. to be replaced. Ditto.

15. Where any document shall, pursuant to the provisions of this Act, be affixed on any place, the same shall continue so affixed for a period of fourteen days including two consecutive Sundays at the least next after the day of publication, and if removed or defaced within such period shall be replaced by the person bound to give the notice.

Penalty for injury to registers of voters exhibited. From s. xii. 19 & 20 Vict. c. 58. (Scotland).

16. Every person who shall wilfully mutilate or remove any document so affixed during such period shall for every such offence forfeit a sum not exceeding *forty shillings* nor less than *ten shillings* to any person who will sue for the same, to be recovered in a summary manner before any court herein-after mentioned for the recovery of fines and penalties.

Register of voters not invalidated by deficient publication. *See* 19 & 20 Vict. c. 58. s. xiii. (Scotland).

17. No register of voters shall be invalidated by reason that it shall not have been advertised pursuant to this Act, or shall not have been affixed in the place and for the full time herein required for publication thereof, and every such register may be revised and adjudicated upon though not advertised or affixed as aforesaid: Provided always, that nothing herein contained shall be construed to exempt any registration officer or person mentioned in this Act acting in wilful or culpable neglect of any duty imposed upon him by this Act from any penalties thereby incurred.

Errors of officers not to affect claims. *See* 19 & 20 Vict. c. 58. s. xiv. (Scotland).

18. No claim or objection to any claim shall be invalidated or affected by reason of any mistake, error, or omission committed by any public officer to whom claims or objections are appointed to be given in or transmitted.

Registration officers to make out register of voters. *See* 19 & 20 Vict. c. 58.

19. The registration officer of every constituency shall make out or cause to be made out in pursuance of the provisions of this Act, and according to the forms in the Third Schedule to this Act annexed, a register of all persons who may be entitled to vote in the election of a member or members to serve in Parliament for each constituency, and such register of voters shall be made up to the

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twenty-fourth day of June in each year, and such register when revised and settled as provided by this Act shall come into force on the *first day of October* next ensuing in each year respectively and shall be deemed the official register for election purposes.

Mode in which register of voters and official register of voters to be made up. Taken from 19 & 20 Vict. c. 58. ss. 2 & 29. (Scotland).

20. The said register of voters shall be arranged in wards, where the constituency or electoral division is divided into wards, and in polling districts, and each ward and polling district in burghs shall be arranged as far as conveniently may be in the alphabetical order of streets, roads, squares, lanes, and other places in which houses are distinguished by numbers, each such street, road, square, lane, and other place being arranged according to the numbers of the houses, and as regards all other places in the alphabetical order of the wards or polling districts according to the alphabetical order of the surnames of persons registered as voters in such ward or polling district, and in such list the Christian name and surname of every such person shall be written or printed at full length, together with his occupation if necessary for identifying the voter, and residence in respect of which he may be entitled to be placed on the register of voters, the surname or other name or names of each voter being placed before the Christian name or names, and the said register shall be so arranged and printed that the list of voters of and for each and every separate ward may be cut out or detached and ready for the purposes of this Act or for sale.

Qualification of elector, residence three months.

21. Every male person of the full age of twenty-one years and not subject to any physical or legal incapacity who shall have resided in the electoral division for the full period of three months preceding such *twenty-fourth day of June* in each year shall be entitled to be placed on the register of voters for the parliamentary constituency in which he so resides and has resided during the qualifying term as aforesaid.

Registration officer to place name of every person entitled to vote on register of voters.

22. The registration officer shall insert or cause to be inserted in the said register of voters the names of all male persons of the full age of twenty-one years who may reside and shall have resided for a period of three months in such division, or shall have resided for that period according to the provisions of this Act in such division preceding the *twenty-fourth day of June* as aforesaid.

Registration officer to require overseers to serve requisition

23. For the purpose of the execution of such duty the registration officer shall direct the overseers to serve, and the overseers or such other local authority whose duty it is to collect the rates shall fill up and serve, on the person who is the occupier or rated or liable

to be rated in respect of such house or on some agent of such person concerned in the management of such house the requisition specified in the Second Schedule to this Act requiring that the form in that notice be accurately filled up and returned to the registration officer within fourteen days after such notice. A.D. 1895. on occupiers and others.

24. If any such person or agent on whom such requisition is served fails to comply therewith, he shall be liable on summary conviction to a fine not exceeding *ten shillings* in respect of each and every voter entitled to be registered under this Act as a voter omitted from such return, and shall further be liable to pay to any person entitled to be registered under this Act as a voter in respect of such house who by reason of his so failing is put to trouble and expense in making or sustaining a claim to have his name inserted in the register at any revision such costs as the court may order, for which purpose the court shall have the same powers of ordering the payment of costs by the person so in default as he had by virtue of the Registration Acts in the case of groundless or frivolous and vexatious claims and objections: Provided that no such order shall be made unless the court is satisfied that reasonable notice that the same would be applied for has been given to the person affected thereby. Duty of person served to make return. Penalty. Proviso.

25. The notice under this section may be served in manner provided by the Representation of the People Acts with respect to the service on occupiers of notice of nonpayment of rates, and where a body of persons corporate or incorporate is rated shall be served on the secretary or agent of such body of persons, and where the house by reason of belonging to the Crown or otherwise is not rated shall be served on the chief local officer having the superintendence or control of such house. Service of notice.

26. Any registration officer who shall wilfully refuse or neglect to make out any register of voters, or who shall wilfully neglect to insert therein the name of any person who shall have given due notice of claim, or who in making out any list of voters shall wilfully and without any reasonable cause omit the name of any person duly qualified to be inserted in such list, or who shall wilfully and without any reasonable cause insert in such list the name of any person not duly qualified, or who shall wilfully refuse or neglect to publish any notice, register of voters, or list, or copy thereof respectively, at the time and in manner required by the Act, or who shall be guilty of any other breach of duty in the execution of this Act, shall be guilty of an illegal practice within Registration officer neglecting duty to be deemed guilty of an illegal practice within the meaning of this Act.

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the meaning of this Act: Provided always, that nothing herein contained as to any fine or penalty shall affect or abridge any right of action against any registration officer liable to any fine or any liability such registration officer may incur under or by virtue of this Act.

Liability of registration officer or other persons on whom a duty is imposed by this Act in damages by civil action to the person aggrieved in such sum not exceeding 500*l.* as a jury may award. From first Scotch Reform Act, 2 & 3 Will. IV. c. 65.

27. If any registration officer, overseers, or any person whatsoever shall wilfully contravene or disobey the provisions of this Act or any of them with respect to any matter or thing which such registration officer, overseer, or other person is hereby required to do, he shall for such offence be liable to be sued in the High Court of Justice in England, and in the Court of Session in Scotland, and in the High Court of Justice in Ireland, by any registered voter, candidate, member actually returned, or other party aggrieved, for the penal sum of *five hundred pounds*, and the jury before whom such action shall be tried may find their verdict for the full sum of *five hundred pounds* or for any less sum which the said jury shall think it just that such party defendant should pay to each party plaintiff, and the defendant in such action being convicted shall pay such penal sum so awarded, with full costs of suit, to the party who may sue for the same, without prejudice, however, to the right of any party aggrieved by the misconduct of any registration and returning officer to recover such damages for a false return as he may be entitled to at common law or by virtue of any statute now in force: Provided always, that every such action shall be commenced or raised within *four* calendar months next after the cause of action has arisen, and that notice in writing shall be given to the defendant at least *one* month before the raising of any such action signed by the party bringing or raising such action or his agent and setting forth the place of abode of the party signing the same: Provided also, that any such defendant against whom any judgment shall have been recovered in any such action shall be allowed to plead such judgment as a bar to any other action which may be brought against him for the same matter or thing, and such other action being thereupon dismissed such defendant shall recover his full costs thereof.

Parochial authorities to afford registration officer facilities in preparing register of voters.

28. Town clerks, vestry clerks, overseers, or guardians, and every collector of poor rates, relieving officers, and other parochial officer and persons employed by them respectively shall be bound at all times on demand to give all information in their power to the registration officer for the purpose of preparing and completing the said register of voters, and shall at all times produce all rate books, and other books, papers, and documents, to enable the registration

officer to prepare the said register of voters, and if any person duly qualified to be on the list of voters may have been wilfully or negligently omitted from such list of voters by reason of any act, neglect, or default of the town clerk, vestry clerk, overseers, guardians, collector of poor rates, relieving officers, and other parochial officer as aforesaid, such person may recover from the overseers or other local authority, a sum not exceeding *twenty shillings* and costs for every offence in addition to and without prejudice to the penalty for damages mentioned in section forty-five of this Act. A.D. 1895.

As to mode of publication by registration officer of register of voters, and notification to each voter of the entry thereon of his name, and requiring voter to correct any inaccuracy as regards himself or other voters.

29. The register of voters, when compiled by the said registration officer, shall be printed and published on or before the *fifteenth day of July* next ensuing in each year respectively, and immediately after the *fifteenth day of July* in each year the registration officer shall issue a notice to each voter whose name is entered on such register, and shall inform him of the fact of his name and residence being so entered on such register of voters, and shall also inform such voter that a copy of such register of voters remains open for his inspection free of cost daily between the hours of eleven o'clock in the morning and nine o'clock in the evening, at the official residence of the registration officer, or at some place or places situate within the polling district of such voter to whom such notice is addressed, and each voter shall be required to notify to the registration officer on or before the *first day of August* then next ensuing any error or omission relating to his Christian name or surname or residence as a qualification; and he shall be requested to give to the registration officer any information in his power as to any errors or omissions occurring in the said register of voters.

Claims to be on the register of voters.

30. Any person duly qualified to be on the said list of voters, and who may have been omitted therefrom, may claim to be placed on the register of voters at any time within *one* month from the date of the publication of such list of registered voters.

Mode of claiming to be on register. Form of claim, Second Schedule.

31. Any person claiming to be on the list of registered voters shall fill in a form, to be obtained without payment therefor of the registration officer for the division, which form shall be signed by the person claiming to be on the list of voters, and shall be attested by a registered elector in the division, who shall affirm of his own knowledge that the claimant is to the best of his belief entitled to be on the list of registered voters for the division.

Claimants to be placed on registers may be objected to on notice

32. It shall be lawful for any person whose name shall be on the list of voters for any constituency or division to oppose the claim of any person to have his name inserted in the list of voters for the same constituency or division, and such person intending to

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given to the registration officer. (*See* 19 & 20 Vict. c. 22.)

oppose such claim shall, during the month of *August*, give notice in writing to the registration officer and to the person so objected to of his intention to oppose the said claim, and shall thereupon be admitted to oppose the same by evidence or otherwise without any previous or other notice, and shall have the same rights, powers, and liabilities as to costs, appeals, and other matters relating to the hearing and determination of the said claim as any person who shall have duly objected to the name of any other person being retained on any list of voters, and who shall appear and prove the requisite notices in the terms of this Act.

Printing and publishing list of registered voters and claimants.

33. The registration officer shall cause such list of registered voters, and list of persons claiming to be on the said list, to be printed and published, and to be exhibited as herein-after provided by and on the *first day of August* in each year, which list of registered voters and claimants shall continue to be exhibited during the whole of the said month of August for the inspection of the electorate for the division.

Exhibition of list of registered voters and claimants.

34. The said list of registered voters and of persons claiming to be on such register of voters shall be exhibited at the door or other prominent and accessible place at the official place of business of the registration officer in each division, and of every church, chapel, or other place of public worship, and of every school receiving a grant of money from the Government or maintained out of the rates, of every post office, of every municipal or other local office and institution, and of every assessor and collector of income tax within the boundary of the electoral division to which the said list of registered voters applies.

Inspection of list of voters daily and freely.

35. Every voter shall be entitled, without let or hindrance, molestation or obstruction, to inspect such list of registered voters and claimants daily at such places aforesaid between the hours of *eight* o'clock in the morning and *eight* o'clock in the evening, during the month of *August*, from the *first* to the *last* day thereof inclusive.

Registration officer to revise register.

36. The registration officer shall correct any mistake which shall be proved to him to have been made in any register of voters, and shall expunge the name of every person whose qualification shall be insufficient in law to entitle such person to vote, and also the name of every person who shall be proved to him to be dead, and if in entering the name and qualification of any voter anything requiring to be specified be omitted, or if any description be insufficient for identification, such registration officer shall expunge the name of any person so entered unless the matter so omitted or

insufficiently described be upon demand supplied to his satisfaction before he shall have completed the revision of the list, and such registration officer shall write his initials against the names respectively expunged or inserted and against any part of the said register of voters in which any mistake shall have been corrected or any omission supplied or any insertion made by him.

Registration officers to have powers of revising barristers in reference to disposing of claims.

37. It shall at all times be competent to any registration officer to exercise all the powers now vested in revising barristers or sheriffs for holding courts for revision, of holding of courts, evening sittings in boroughs, adjournment of courts, removal of persons interrupting, for compelling attendance of clerks of the peace, overseers, past overseers, collectors of rates, relieving officers, the production of rate books, hearing of objections to entries on registers, administration of oaths, procedure at revision before the courts, and powers to make rules of procedure, and payment of expenses, as is now vested in or exerciseable by the provisions of existing Acts relating to registration of voters.

False oath or affirmation to be deemed perjury.

38. Any person taking any oath or making affirmation before such registration officer who shall wilfully swear falsely shall be deemed guilty of perjury, and shall be liable to be punished accordingly.

List of voters to be finally revised by the registration officer.

39. At the expiration of the term and date aforesaid the registration officer shall revise the said list of registered voters, and shall insert or cause to be inserted therein all such names of persons who shall, during the said month of *August*, or within seven days thereafter, have claimed to be and shall be entitled to be included in such list of registered voters, and all such names of persons as may have been negligently, accidentally, or otherwise omitted from the said list of registered voters;

Provided that the registration officer deems such claim to be on the said list of registered voters to be just and reasonable.

Magistrates to adjudicate upon all disputed claims.

40. Should any doubt arise as to the legal claim of any person to be placed on the list of voters, either by reason of physical or legal incapacity, not being of age, insufficient residence, on account of having been in receipt of parochial relief, or otherwise, such person may, on or before the *fourteenth day of September* in each year, apply to the registration officer for the division, or to any stipendiary magistrate, or to any two justices of the peace having jurisdiction within the electoral division or part of an electoral division, to have such claim allowed. Such application and hearing shall be without costs in any case, except it be for alleged wilful or negligent omission. The decision of the registration officer, if so accepted,

Decision of magistrates to be final.

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or of the magistrate or justices, if submitted to the court, shall be final for the year during which such register is operative.

Register of voters to be signed and attested by the registration officer.

41. On the said register of voters being so completed, revised, and made up, the reference number in the list of registered voters shall be struck out, and the registration officer shall prefix against each voter's name his number on such register, the numbers to be consecutive from one, opposite the first name on the list, to whatever number the said list shall contain, in regular serial order, and the registration officer shall sign and attest such register before a magistrate having jurisdiction in the electoral division, who shall countersign the same, and such revised list shall constitute the official register of parliamentary voters for the electoral division to which it applies for each year respectively dating from the *first day of October*, and ending on the *thirtieth day of September* next ensuing annually.

Register to be published on October 1st yearly.

42. The official register so signed and attested shall be printed by order of the registration officer, and shall be ready for issue on or before the *first day of October* in each year.

Election to take place on signed register.

43. Any election taking place during such year shall be taken upon the said official register, so signed, attested, printed, and published, and all voters therein named shall be entitled to vote at such elections without question as to qualification, unless struck out by the registration officer as having removed, or otherwise incapacitated by this Act.

Omission of voter from register to be punishable.

Penalty of forty shillings.

44. Any omission of the name from the official register so signed of any duly qualified voter shall be an offence at law, and shall render the offender liable to a penalty of *forty shillings* and costs for every such offence. The elector may proceed against the registration officer or the printer, or both conjointly, before a court of summary jurisdiction, or in the county court.

Wilful or negligent omission of name of voter.

Penalty.

45. Any person duly entitled to be on the list of registered voters who may have been wilfully or negligently omitted from the register of voters may recover from the registration officer or other persons by whose default, neglect, or omission such omission has occurred, a sum not exceeding *ten shillings* and costs for every such offence.

Summary jurisdiction in all cases.

46. The proceedings under the above section for the recovery of fine shall be before the stipendiary magistrate for such electoral division, or part of electoral division, or before the county court judge for the district, or before any two resident justices of the peace sitting at any duly constituted court next ensuing for such electoral division or part of a division within the county, borough,

or division of a county or borough in which the said omission shall have arisen, or within one month from the date when the registered list of voters shall have been duly published.

Register to be open for inspection.

47. The authorised official register shall be open for the inspection of any elector on any day of the week (Sundays excepted) at the town hall, vestry hall, or other chief local office during the hours in which such offices are open for the transaction of the ordinary business conducted at such office, and at the registration officer's official place of business.

Persons to have copy for *5s.*

48. Any person desiring a copy of the register for any division or part of a division to which such register applies may, upon application personally or by letter, have a copy of such register upon prepayment therefor of a sum not exceeding *five shillings* for each such copy.

Cost of list of voters and register of electors to be paid out of the rates.

49. The cost of preparing and printing such list of registered voters, and the official register of voters, shall be paid for out of the rates of the electoral division or part of the electoral division to which such list and registers apply, each separate portion of the division contributing its quota of the cost in proportion to the relative number of registered electors, unless there be a common fund for any such electoral division, in which case the costs shall be defrayed from such common fund.

Copy of register to be sent to Home Office, House of Commons, &c.

50. A copy of each and every such register shall be sent as soon as printed in each year to the Home Office, to the library of the House of Commons, the Registrar-General, and local free libraries, and to the clerks of the peace in the division, by the registration officer for each electoral division of the United Kingdom respectively.

Lists of university voters to be similarly sent.

51. The Vice-Chancellor, Pro-Vice-Chancellor, or Provost of the Universities of Oxford, Cambridge, London, Dublin, Edinburgh and St. Andrews, and Glasgow and Aberdeen, shall cause to be published a complete list of all persons entitled to vote for the respective universities, a copy of which shall in like manner be sent to the Home Office, library of the House of Commons, and to the clerks of the peace, the Registrar-General, and to any local free library which may apply for such.

Removal cards to electors removing after first day of November in each year.

52. Any registered elector who has ceased to reside between the *first day of November* and the *fifteenth day of July* next ensuing in the electoral division for which he is registered as an elector, may, on application to the registration and returning officer or other proper local authority named for that purpose, have a registration card certifying to his being the registered elector therein

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described, upon payment for the same of the sum of *twopence*. Such card to bear the signature of the registration and returning officer, or other proper local authority issuing the same, the name of the electoral division, and the date of issue of such card, in the form given in the Fourth Schedule to this Act; and the said officer shall keep a list of all such removals, and mark the same on the register.

Removal claims to vote.

53. Such registered elector may deposit such card with the registration and returning officer or other proper local authority of the division to which he has removed, and thereupon shall, by making a statutory declaration that he is the registered elector therein described, be entitled to vote for such electoral division.

Proviso as to residence.

Provided that such registered elector shall have resided continuously for three calendar months in the division in which he claims to vote.

Re-removal.

54. Any elector again removing may upon application to the registration and returning officer or other proper local authority with whom the removal card was first deposited, have such card returned to him, duly signed by such officer, giving date of re-issue, upon payment therefor of the sum of *twopence*.

Re-issue of removal card.

55. Such removal card may again be deposited with the registration and returning officer or other proper local authority in the new division to which such registered elector may remove, in the same manner as before mentioned, and such registered elector shall in like manner be entitled to vote in such division:

Provided that the said voter resides in that division for three calendar months.

Refusal to issue removal card to voter.

56. Any registration and returning officer or other proper local authority, or person duly authorised to act on their behalf, who refuses to issue a removal card to the duly registered elector applying for the same, and tendering in payment the amount herein provided in each case, at reasonable hours when the office is open for the transaction of ordinary business, shall be liable to a penalty of *one pound* for such offence: Provided that there be no sufficient cause for refusal or delay:

Penalty.

Proviso.

Proviso.

Provided also, that such removal card as claimed is issued with all convenient speed on the day following, unless there is reason for believing that fraud is attempted in obtaining such card.

Removal card in lieu of one lost.

57. Any registered elector losing his removal card may, upon making a declaration to that effect, and upon payment of *one shilling* for a new card, be entitled to a renewal card in lieu of the one declared to be lost, such card to bear upon its face the date of

issue, the fact of its being a renewal card, and the signature of the registration and returning officer. A.D. 1895.

Personating a voter by use of card.

58. Any person other than the person described using such removal card, or presenting himself and claiming to vote for any duly qualified registered elector, shall be deemed guilty of personation under this Act, and shall, upon conviction, be liable to the penalties herein-after mentioned for such offence.

Fraudulent attempt to obtain or use card.

59. The wrongful using or claiming to use any such lost card, or any attempted fraud by the registered elector in obtaining or seeking to obtain a renewal card, shall be deemed equivalent to the offence of personation, or attempted personation, under this Act.

Fraudulently aiding or abetting attempt to obtain or use card.

60. Any person aiding or abetting or counselling personation or attempted personation under the above section shall likewise be deemed guilty of personation, and shall be subject to the same penalties as would have been inflicted had he been a principal in the offence.

Personation of voting twice at an election.

61. Any person guilty of voting or attempting to vote twice at any election, or who, not being a registered elector, shall represent himself to be the registered elector described on the register, whether at the time such registered elector is living or dead, and as such attempt to personate such registered elector; and any and every person aiding and abetting or counselling the fraud of personation shall be deemed guilty of personation under this Act, and shall, upon conviction, be liable to the penalties herein-after mentioned for such offence.

Returning officer to charge the offender, &c.

62. It shall be the duty of the returning officer to give such person into custody and to prosecute him for personation, or attempted personation, the costs thereby incurred to be charged and paid as part of his official expenses. Any returning officer refusing to give effect to this section shall be deemed guilty of misdemeanour, and shall be liable to a fine of *one hundred pounds*, unless in so declining to act he can give satisfactory reasons for doubting whether he was justified at the time in refusing to give the person into custody, and of prosecuting him:

Proviso.

Proviso; subsequent proceedings.

Provided also that upon considering the case, and finding that it was a case of personation under this Act, he thereupon takes steps to have the guilty person prosecuted, in which case no fine or disability shall be inflicted.

Removing or defacing list of voters, register, or

63. Any person found guilty of unlawfully removing any list of voters, copy of register, or other paper, document, or notice from the place where it is exhibited or deposited in pursuance of this

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other document.

Act, or of mutilating or defacing any or either of them, shall be deemed guilty of an illegal practice within the meaning of this Act, and shall, upon conviction, be liable to a penalty of *twenty pounds*, or to imprisonment for any term not exceeding *six months* with or without hard labour.

PART III.

APPOINTMENT OF REGISTRATION AND RETURNING OFFICERS UNDER THIS ACT.

Registration and returning officers.

64. One and the same person shall act as and fulfil the duties of registration and returning officer in each of the several counties and boroughs or divisions of counties and boroughs in the United Kingdom, and such registration and returning officers shall be appointed as follows:—

Counties, and divisions of counties.

(1.) In counties and divisions of counties, the sheriff of the county or county of city shall appoint duly qualified and fit persons to act as the registration and returning officers for the several divisions of the county over which he has jurisdiction.

Boroughs and cities.

(2.) In municipal boroughs and cities, the mayor, deputy mayor, or alderman appointed by the mayor, shall appoint the registration and returning officer for such municipal borough or city.

Divisions of cities and boroughs.

(3.) In the event of such borough or city comprising several or more than one electoral division, the said registration and returning officers respectively shall be appointed by the mayor, deputy mayor, or alderman aforesaid, for each such electoral division respectively.

City of London.

(4.) In the City of London, the sheriffs shall appoint a duly qualified person to act as registration and returning officer for the said city.

Metropolis other than the city.

(5.) In the several metropolitan parliamentary boroughs and divisions, the sheriffs of Middlesex, Surrey, and Kent respectively shall appoint the registration and returning officer for each such borough and division respectively.

Scotland.

(6.) In Scotland, the sheriff of the county shall appoint the registration and returning officers for the counties and divisions of counties over which he has jurisdiction.

Ireland.

(7.) In Ireland, the sheriff of the county shall appoint the registration and returning officers for the counties and divisions of counties respectively.

Appointment of deputy

(8.) The returning officer in each and every case shall appoint his deputy returning officer, and he shall be held responsible

for the due discharge of all the duties pertaining to such office.

returning officers.

65. Every person called upon to act, and who undertakes to act, as registration and returning officer shall be held responsible for the due and lawful discharge of all the duties of such office, and for seeing that the requirements of the law relating to parliamentary elections are faithfully observed, and otherwise for the proper conduct of the election.

Responsibility of registration and returning officers.

66. No registration and returning officer or deputy returning officer shall act as election agent for any candidate; nor shall any partner in any firm with which he may be connected, or in which he is pecuniarily interested, act as election agent for any candidate for the constituency in which such returning officer presides.

Returning officer or deputy not to act as election agent.

67. The appointment of registration and returning officer shall in each case be subject to the approval of Her Majesty's Principal Secretary of State for the Home Department, by whom also any such appointment may be cancelled in case of misconduct, or for non-fulfilment of duty:

Provided always, that the reasons for such removal from office shall be communicated to Parliament.

Returning officers to be approved by Secretary of State.

68. A return shall be made to the Home Office by the sheriffs of the counties, or other persons as herein-before provided in each year, during the month of *January*, of the names and addresses of every registration and returning officer for the whole of the divisions of the United Kingdom, and such return shall be laid before Parliament annually.

Return to be made of names, &c. of officers.

69. It shall be the duty of the sheriffs of the counties and cities of counties, and other persons as herein-before provided, to send in such return in the month of *January* in each year, and any omission to do so shall subject the sheriff or person so offending to a penalty of *one hundred pounds.*

Sheriffs to make such return.

70. The registration and returning officer in each electoral division shall also make a return of the names and addresses of the deputy returning officers appointed by him, which return shall also be laid before Parliament, and any omission to do so shall subject such registration and returning officer to a penalty of *fifty pounds.*

Return of deputy officers.

71. Each registration and returning officer and deputy returning officer shall be appointed within four weeks after the *passing of this Act*, and shall hold office until the *first day of January one thousand nine hundred and one.*

Registration and returning officer to hold office for five years.

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To retire every fifth year.

72. On the *first day of January one thousand nine hundred and one*, and on the *first day of January* in each succeeding fifth year thereafter, a new appointment of registration and returning officers shall be made in manner herein-before provided, and subject to the same conditions as to approval by Her Majesty's Secretary of State for the Home Department.

To be re-eligible.

73. Any such registration and returning officer shall be eligible for re-appointment.

He may retire from office upon giving proper notice.

74. A registration and returning officer may retire from office upon giving twenty-eight days notice in writing of his intention so to do to the person or authority appointing him.

He shall vacate his office in certain cases.

75. A registration and returning officer shall vacate his office if—

(*a.*) he accepts or holds any of the offices or positions which he is by this Act prohibited from holding at the date of his appointment;

(*b.*) if he becomes bankrupt, or suspends payment, or files a petition for the liquidation of his affairs, or compounds with his creditors;

(*c.*) if he is found lunatic or become of unsound mind;

(*d.*) if he is concerned in or participates in the profits or any contract with any candidate.

Appointment of registration and returning officer in case of vacancy by death or otherwise.

76. In case a registration and returning officer or deputy registration and returning officer shall die, or cease to hold office, or in case the office shall become vacant at any time other than on the *first day of January one thousand nine hundred and one* or *first day of January* in any succeeding fifth year as aforesaid, the persons whose duty it is to appoint a registration and returning officer or officers shall, at latest, within one month after such vacancy shall occur, appoint another registration and returning officer or deputy officer, and shall cause such appointment to be advertised in the same manner as is before provided in respect to the appointments of registration and returning officers.

Returning officer, &c. to take oath of secrecy.

77. Every registration and returning officer and deputy officer shall on his appointment take oath or make affirmation that he will truly and duly discharge all the duties of such office, and that he will not disclose any matters pertaining thereto which may violate the secrecy of the ballot, or cause any annoyance or injury to any registered voter, candidate, agent, or other person before, at, and during, or after, any parliamentary election, or during his term of office as registration and returning officer.

Violation of oath, &c. Penalty.

78. Any violation of his oath or affirmation shall subject such registration and returning officer or deputy officer to a fine of *one hundred pounds*, and to an action for the recovery of damages by

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any person aggrieved and injured by act, word, or deed on the part of the said officer :

Proviso.

Provided that such disclosure was not made in the due exercise of his rights and duties as registration and returning officer or deputy officer in accordance with the requirements of this Act, or other Acts for the time being in force.

Ballot boxes, &c. to be in custody of the returning officer.

79. The ballot boxes, seals, and other necessary appliances and appurtenances for taking the votes at parliamentary elections, shall be in the custody of the registration and returning officer for the electoral division for the time being, who shall be held responsible for the safe custody of the same, and for their production for use, in an efficient working order, at the several polling stations for the division on the day and during the hours fixed for taking the votes at an election.

Registration officer to deliver over all papers and documents to his successor in office.

80. All letters, diaries, books, papers, memoranda relating to official business, documents, ballot boxes, seals, and all other appliances and appurtenances for taking the votes at parliamentary elections, or belonging to the registration office, which may be in the custody, possession, or power of each registration and returning officer shall, on his ceasing to hold that appointment, be handed over to the registration and returning officer who may be appointed to succeed the said registration and returning officer so ceasing to occupy such office.

To account to the Treasury for all fees received. Framed on sections 40 & 41 Scotch Act, 24 & 25 Vict. c. 83.

81. Every registration and returning officer shall keep an account of all moneys received by him for copies of the register of voters or list of claims or parts thereof or otherwise under this Act, and of all moneys which shall have been received by the registration and returning officer under this Act for the purposes thereof, and shall account for and pay over the same to Her Majesty's Treasury.

Regulations as to Polling, &c.

Convenient polling stations to be provided.

82. The returning officer shall assign and regulate the polling stations in and for his electoral division in such way and manner as shall be for the convenience of the electors in the several wards or polling districts constituting such division, so that every voter shall, if practicable, have a polling station within one mile in any borough, and two miles in any county division of his registered residence :

Provided that he shall not be bound to provide any such polling station for less than one hundred registered electors in any such district, unless any part of the electoral division is detached, and is more than two miles from the nearest polling station, in which case

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a polling station shall be provided for any such detached portion of the division.

Use of schoolroom or public room free of charge for poll.

83.—(1.) The returning officer at a parliamentary election may use, free of charge, for the purpose of taking the poll at such election, any convenient room in any school receiving a grant out of moneys provided by Parliament, and any room the expense of maintaining which is payable out of any local rate; but he shall make good any damage done to such room, and defray any expense incurred by the person or body of persons, corporate or unincorporate, having control of the same on account of its having been used for the purpose of taking the poll as aforesaid.

(2.) If the returning officer shall use any room in any unoccupied house for the purpose of taking the poll, the owner thereof shall not be liable to be rated or to pay any rate for such house by reason merely that it was hired temporarily for taking such poll.

Conduct of returning officer during election.

84. The returning officer shall see that the polling stations are duly open for taking votes on the day of election, and that there is free access thereto, without let or hindrance, or annoyance, for all registered electors desirous of recording their votes, and entitled to do so at such polling station; and he shall be held responsible for the peaceable conduct of such election; for which purpose he shall be authorised to remove any unauthorised person remaining in the polling station after having recorded his vote, and any person causing an obstruction or annoyance within the precincts of such polling station, or in the near neighbourhood thereof.

Keeping order in polling station, &c.

Returning officer to provide necessaries for the election.

85. The returning officer shall see that each polling station is fitted with adequate compartments for taking the votes; that a sufficient supply of ballot boxes, ballot papers, stamping instruments, and registers are at each polling station; that a presiding officer and poll clerks are duly appointed for each polling station; that a sufficient staff of clerks is employed to take the votes with all due despatch; and that all other things necessary for conducting the election are provided in accordance with this Act.

Counting the votes.

86. The returning officer shall appoint the counting clerks for the proper assorting and counting of the votes given for each candidate at the election.

Returning officer to decide validity of votes, &c.

87. Should any question arise as to the validity of any ballot paper, the returning officer shall decide as to its validity, and for which candidate the disputed vote was intended to be given; and such decision shall be final, unless the candidate, or his agent on his behalf, shall thereupon demand a scrutiny.

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Power of asking questions and administering oath, &c.

88. In the conduct of an election the returning officer, deputy returning officer, and presiding officer appointed by them or either of them, shall have the power of asking the questions and administering the oath authorised by law to be asked or administered to voters, and any justice of the peace and any returning officer may take and receive any declaration authorised or required by this Act to be taken in pursuance of this Act.

Wrongfully refusing, &c. to receive vote.

89. And every returning officer, deputy returning officer, or other officer of election or person whose duty it is to receive, count, certify, report, or give effect to the vote of any voter who wrongfully refuses or omits to receive, count, register, certify, or report, or give effect to the vote of such voter, shall forfeit the sum of *ten pounds* to the party aggrieved by such refusal or omission, to be recovered by action in the county court.

PART IV.

Expenses of Elections.

Returning officer's costs to be paid out of the Consolidated Fund.

90. *The official expenses properly incurred by the registration and returning officer in connexion with his duties as registration officer, or as returning officer, at and concerning any parliamentary election, shall be paid out of the Consolidated Fund, upon a scale to be fixed by the law officers of the Crown, with the approval of Parliament:*

Proviso.

Provided always, that the total amount in each case shall not exceed the maximum sum set forth in the schedule to this Act.

Return of registration charges to be laid before Parliament.

91.—(1.) The expenses incurred in pursuance of the duties of registration officer under this Act, and of all charges pertaining thereto, shall be sent to Her Majesty's Treasury during the month of *January* in each year, and a return thereof shall be laid before Parliament on or before the *thirty-first day of March* in each year of all charges incurred during each year ending *thirty-first day of December* respectively.

Charges of returning officer to be sent to the Treasury, and published.

(2.) And the amount of charges by the returning officer in respect of any election under this Act shall be sent in to the Treasury within fourteen days of the date of the election, and the amount so claimed and the amount sanctioned and paid by the Treasury shall be stated in the official return of expenses to be published by such returning officer.

Candidates address to be sent post free.

92. Every duly nominated candidate for a seat in Parliament who may go to the poll shall be entitled to send, post free, through the post one copy of his election address to each and every registered

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elector, in a closed envelope, properly addressed to each such registered elector. No other than electoral printed or written matter or communication shall be enclosed in such envelope sent post free as aforesaid. Any infringement of this section shall render the candidate liable to a penalty not exceeding the full amount of postage payable for the delivery of prepaid letters to the total electorate of the division according to the register:

No other matter to be enclosed.

Penalty for infringement.

Proviso.

Provided always, that the candidate or his agent, or other authorised person acting on his behalf, was in any way privy to such infringement of this section, but not otherwise.

Willfully and knowingly infringing the law.

93. If any person shall wilfully and knowingly place in any such envelope containing the candidate's election address any communication of any kind other than the authorised printed or written electoral matter, he shall be guilty of a misdemeanour, and shall, on conviction, be liable to *three months* imprisonment with or without hard labour.

Official envelopes to be used.

94. The envelopes for the purposes of this portion of the Act shall be official envelopes in the form given in the schedule, and shall be supplied to the returning officer by the Postmaster-General through some one post office in the electoral division, and the returning officer shall deliver either to the candidate direct or to his accredited agent, on personal application being made for the same, a sufficient number of such official envelopes, upon giving notice in writing of the total number required according to the register, and depositing with such returning officer a sum equivalent to the total cost of prepaid postage, which amount, without deduction, unless otherwise provided, shall be returned to the candidate or his accredited agent immediately after the election.

Forfeiture of cost of postages by bogus candidates.

95. Should such candidate fail to go to the poll, or should he only obtain such an insignificant number of votes as to justify the belief that his candidature was not bonâ fide, then the amount deposited with the returning officer shall be forfeited to the revenue of the post office:

For the purposes of this section, the failure to obtain the votes of one-eighth of the total number of the votes given at such election shall be deemed "an insufficient number of votes."

Poll card to be sent by returning officer.

96. The returning officer for the division shall cause to be sent to every registered elector, two clear days before the day of election, a polling card stating thereon the names of the several candidates, in alphabetical order, the number of such elector on the register, the date and day of the election, the polling station where such elector shall record his vote, whether entitled to vote for more than

one candidate, the mode of voting, and the hours during which the ballot box will be open for receiving the votes of the electorate in the division, in the form given in the schedule. A.D. 1895.

97. Such polling card shall be delivered post-free at the address of every registered elector, and no other than the official polling card shall be sent by any person whatsoever to any elector. Post free.

98. The cost of printing and addressing the polling cards shall be part of the official expenses of the returning officer. Costs of polling card.

99. All other lawful expenditure shall be borne by each parliamentary candidate respectively, but the total amount of such expenditure shall not exceed in any case the maximum sum stated in the schedule. Expenditure of candidate.

100. Any candidate proven to have expended, or sanctioned the expenditure, of more than the maximum sum given in the schedule to this Act, shall be deemed guilty of an illegal or corrupt practice, as the case may be, and shall, upon conviction, be subject to the several pains and penalties, or any of them, herein-after mentioned for such illegal or unlawful expenditure under the several sections pertaining to illegal or corrupt practices respectively. Excessive expenditure. Penalties. Section

101. The election agent of the candidate shall make a full and complete return to the returning officer of all expenditure incurred during the election, setting forth, in manner prescribed in the schedule, the several amounts paid or in dispute under their proper heads, such return, with all vouchers, to be transmitted to the returning officer within thirty-five days of the date when the candidates at such election are declared elected. Return of expenses.

PART. V.

Illegal and Corrupt Payments and Practices.

102.—(1.) The employment of hired canvassers, or of any person or persons hired in any other capacity who shall or do act as canvassers, or who do actually canvass for votes at an election, or in anticipation of an election, shall be deemed an illegal practice; and the candidate or agent of the candidate who employs or sanctions the employment of any such hired canvasser, or any person or persons who do actually canvass on behalf of any candidate; Canvassing by hired persons illegal.

(2.) Or who shall permit or suffer any person or persons in, near, or about the polling station to solicit or inquire, or do any act or thing to ascertain or endeavour to ascertain how or for whom such voter is about to vote or has voted, shall be guilty of an illegal

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practice. Provided always, that the agent or sub-agent of the candidate may, in the exercise of his duties, do as regards entry to the polling stations that which is lawful for the candidate personally to do, but not otherwise.

Canvassing by persons likely to unduly influence.

103.—(1.) Any person being a rate collector, collector of rents, landowner, or owner of house property, bailiff or agent for any owner of lands or house property in the electoral division, or any employer, member of a firm, partner in a concern, or shareholder in any company whose business is situate in the division, or any overlooker, foreman deputy-foreman, or other person in any similar capacity or in authority who shall canvass for votes among ratepayers, tenants, employés, or others likely to be unduly influenced by any such canvass, shall be deemed guilty of an illegal practice.

Canvassing by magistrates, police, &c. prohibited.

(2.) No stipendiary magistrate, justice of the peace, commissioner, receiver, or clerk to the peace, or policeman, commissioner or assistant commissioner of police, or chief, head, or other constable, shall by word, message, writing, or in any other manner persuade, or endeavour to persuade, any elector to give, or dissuade any elector from giving his vote for the choice of any person to be a member to serve in Parliament for any county or borough, or division of a county or borough; and any of the persons aforesaid who shall be proven to have offended against this section shall be liable, at the instance of a suer, to a fine of *one hundred pounds.*

Payment, &c. for conveyance to the poll illegal.

104. No payment, contract for payment, or valuable consideration in lieu of payment, shall be made or promised for the purpose of procuring the election of a candidate at any election, on account of the conveyance of any elector to or from the poll, whether for the hire of horses, carriages, or other vehicle, or for railway or other fares, or otherwise; or for the loan of horses or conveyances at, during, or in connexion with any parliamentary election.

Letting, lending, or employing conveyance, &c. illegal.

105. A person shall not let, lend, or employ, for the purpose of conveying any elector to or from the poll, any public stage or hackney carriage, or any other carriage or vehicle of any sort whatever, or any horse or other animal kept or used for drawing the same; and if he lets, lends, or employs such carriage or other vehicle, or any horse or other animal, knowing that it is intended to be used for the conveyance of electors to or from the poll, he shall be guilty of an illegal practice.

Hiring, borrowing, by using conveyances, &c. illegal.

106. A person shall not hire, borrow, or use any carriage or other vehicle, or any horse or other animal, for the purpose of conveying voters to or from the poll; and if he does so, he shall be deemed guilty of an illegal practice:

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Provided (1) that nothing in this Act shall prevent any elector using his own conveyance when going to and returning from the poll for the purpose of recording his vote and taking with him on that occasion any elector then going to record his vote, but not otherwise:

Use of own conveyance not illegal.

(2.) Provided also, that any one person, or two or more persons jointly, may hire any conveyance lawfully licensed for hire, for his or their own use to take him or them to and from the poll, but each such person shall pay for himself his full proportion of the expense so incurred; and no other voter than those subscribing as aforesaid shall be conveyed by or in any such conveyance:

Hiring for own personal use not illegal.

(3.) Provided also, that where the nature of a county or division of a county is such that any electors residing therein cannot reach their polling station without crossing the sea, or a branch or arm of the sea, the provisions of this Act shall not prevent provision being made for conveying such voters to their polling station; the amount of payment for such means of conveyance shall be separately stated in the candidate's return of expenses, and may be in addition to the maximum allowed by this Act.

Conveyance of voters by sea in certain case.

107. Subject to such exception as may be allowed by and in pursuance of this Act, if any payment, contract for or promise of payment, or promise of valuable consideration is made in contravention of this Act, either before, during, or after an election, the person making such payment, contract, or promise, shall be deemed guilty of an illegal practice; and any person receiving payment, or knowingly being a party to any contract for a promise of payment, or promise of valuable consideration in contravention of this Act, shall be deemed guilty of an illegal practice.

Illegal payments to be an illegal practice.

108.—(1.) No payment, contract for, or promise of payment, or promise of valuable consideration shall, for the purpose of promoting or procuring the election of a candidate at any election, be made to an elector, or to any other person whatsoever;

Payment or promise of payment for:

(2.) On account of the use of any house, land, building, or premises for the exhibition of any address, placard, bill, notice, or on account of the exhibition of any address, placard, bill, or notice, or to any voter acting as boardman, or for displaying placard or other notice as above;

Exhibiting bills, &c.

Provided that where the ordinary business of an elector is that of an advertising agent or bill poster, and he exhibits the bills, &c. in the course of his lawful, ordinary, and regular business, in which case this section shall not apply;

Proviso

(3.) On account of bands of music, processions, torches, flags, banners, cockades, ribbons, or other marks of distinction;

Bands of music, flags, &c.

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Proviso.

Provided that the issue of a differently coloured bill or placard by each candidate respectively, to distinguish his announcements from that of other candidates, shall not be deemed to be in contravention of this section;

Committee rooms in excess of number allowed.

(4.) On account of the use of any house, building, premises, or room, for the purpose of being used as a committee room, in excess of the maximum number allowed in the schedule to this Act; or

(5.) On account of any expenditure beyond the amount limited by this Act, or barred by this Act.

Any infringement of this section shall be deemed an illegal practice.

Corrupt withdrawal of candidate.

109. Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment or valuable consideration, and any person who is a party thereto; and any person withdrawing in pursuance of such inducement, procurement, or promise, shall be guilty of an illegal practice.

Publishing false statement of withdrawal.

110. Any person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate, or influencing the votes of the electors, shall be guilty of an illegal practice.

Illegal employment.

111. No person shall, for the purpose of promoting or procuring the election of a candidate at any election, be engaged or employed for payment or promise of payment, or promise of valuable consideration, for any purpose or in any capacity whatever, except for any purposes or capacities mentioned in the schedules to this Act, or except so far as payment is authorised by this Act.

Persons illegally employing or being employed.

112. Subject to such exception as may be allowed in pursuance of this Act, if any person is engaged or employed in contravention of this Act, either before, during, or after an election, the person engaging or employing him shall be deemed guilty of an illegal practice, and the person so engaged or employed shall also be deemed guilty of an illegal practice, if he in any way knew that such engagement or employment was contrary to law.

Illegal hire of committee rooms.

113. The hire and use of any room as committee room in each and all of the following cases shall be an illegal hiring:—

Licensed houses.

(1.) Any premises on which the sale by wholesale or retail of any intoxicating liquor is authorised by licence (whether the licence be for consumption on or off the premises), or

Club or association.

(2.) Any premises where any intoxicating liquor is sold or is supplied to members of a club, society, or association, or.

(3.) Any premises whereon refreshment of any kind, whether food or drink, is ordinarily sold for consumption on the premises; or — Refreshment houses.

(4.) The premises of any school in receipt of a parliamentary grant, or any part of such premises. — Elementary school.

114. The hire or use of any such room in any of the premises before mentioned, for the purpose of promoting or procuring the election of a candidate at any election, shall be deemed an illegal practice; and the person who hires or uses any such premises or part thereof for a committee room, and the person letting or lending such premises or part thereof, if he knew that it was intended to be used as a committee room, shall be deemed guilty of an illegal practice. — Hiring or letting such rooms illegal.

115. The use of any such licensed house, premises, or part thereof, for any meeting to promote the election of any candidate, except it be for a public meeting, with free access to the same by the electors of the division in which it is situate, and is held in a room which is ordinarily let and used for the purpose of holding public meetings or arbitrations, or in which chambers or offices are set apart for such purposes at all times other than at parliamentary elections, shall be deemed an illegal practice: — Rooms for public meetings.

Provided always, that no intoxicating drinks shall be sold or supplied in the room where any such meeting as before mentioned is being held during such meeting, any violation of which proviso shall be deemed an illegal practice under this Act. — No intoxicants to be sold or supplied.

116.—(1.) Every bill, placard, poster, notice, or other printed or lithographed paper or matter, having reference to an election shall bear upon the face thereof the name and address of the printer and publisher; and any person printing, publishing, or posting, or causing to be printed, published, or posted any such bill, placard, poster, or other printed or lithographed paper or matter, aforesaid, which fails to bear upon the face thereof the name and address of the printer and publisher, shall be deemed guilty of an illegal practice. — Bills and records, &c. to bear name of printer.

(2.) And any person supplying the matter for and inducing the printer to print such publication without having thereon the name and address of such printer, shall be deemed guilty of an illegal practice. — Persons supplying matter, &c. for such bill, &c.

117. If any person votes or induces or procures any other person to vote at any election, knowing that such person is prohibited, whether by this Act or any other Act for the time being in force, from voting at such election, he shall be deemed guilty o an illegal practice. — Voting of prohibited person.

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Payment of election expenses through agent.

118. Except as permitted by or in pursuance of this Act, no payment and no advance or deposit shall be made by a candidate at an election, or by any agent on behalf of the candidate, or by any other person at any time, whether before, during, or after such election, in respect of any expenses incurred or to be incurred on account of or in respect of the conduct and management of such election otherwise than by or through the candidate, or the election agent of such candidate, whether acting in person or by a sub-agent; and all money provided by any person other than the candidate for any expenses incurred on account of or in respect to the conduct and management of the election, whether as gift, loan, advance, or deposit, shall be paid to the candidate or to his election agent, and not otherwise.

Proviso.

(1.) Provided that this section shall not be deemed to apply to the returning officer, nor to any person, for any small expense legally incurred by himself, if such small sum be paid out of his own pocket, and is not then or afterwards repaid to him.

Proviso.

(2.) Provided also that the total disbursements of such small sums shall not in the aggregate bear the semblance to corrupt or illegal expenditure, or show any concerted action on the part of any two or more persons.

Illegal payment.

A person who makes any payments, advance, or deposit in contravention of this Act, or pays any money so provided, shall be deemed guilty of an illegal practice.

Payment in excess of maximum.

119.—(1.) Subject to such exception as may be allowed in pursuance of this Act, no sum shall be paid, and no expense shall be incurred by a candidate at an election, or by his agent, whether before, during, or after an election, on account of or in respect to the conduct or management of such election, in excess of the maximum amount in that behalf, specified in the schedule to this Act.

By any person an illegal practice.

(2.) And any person, candidate, or election agent, who knowingly acts in contravention to this Act, shall be deemed guilty of an illegal practice.

Providing money for illegal purposes or in excess of maximum amount, an illegal practice.

120. Where any person knowingly provides money for any payment, which is contrary to the provisions of this Act, or for any expenses incurred in excess of the maximum amount allowed by this Act, or for replacing any money expended in any such payment or expenses, except where the same may have been allowed in pursuance of this Act, such person shall be deemed guilty of an illegal practice.

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Every payment to be vouched.

121. Every payment made by an election agent, whether by himself or a sub-agent, in respect of any expenses incurred on account of, or in respect to the conduct and management of an election, shall, except where less than *forty shillings*, be vouched for by a bill stating the particulars, and by a receipt.

Claim to be sent in within fourteen days.

122. Every claim against a candidate at an election, or his election agent in respect of any expenses incurred on account of or in respect of the conduct or management of such election, which is not sent in to the election agent within fourteen days after the day on which the candidates returned are declared elected, shall be barred, and shall not be paid, subject to such exception as may be allowed in pursuance of this Act; and the election agent who pays any claim in contravention of this enactment, shall be deemed guilty of an illegal practice.

All payments to be made within twenty-eight days.

123. All expenses incurred by or on behalf of a candidate at an election, and which are incurred on account of or in respect of the conduct and management of such election, shall be paid within twenty-eight days after the day on which the candidates returned are declared elected; and subject to such exception as may be allowed in pursuance of this Act, the election agent who makes a payment in contravention of this provision, shall be deemed guilty of an illegal practice.

Relief to candidate.

124. Where the election court reports that it has been proved to the satisfaction of such court that any payment made by an election agent in the contravention of this section was made without the sanction, connivance, or knowledge of the candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this Act, by reason only of such payment being made in contravention of this section.

Disputed claims.

125. If the election agent disputes any claim sent in to him, and refuses or fails to pay such claim in that account within the said specified period of twenty-eight days, such claim shall be deemed a disputed claim.

Order of court.

126. Any payment thereafter made by order of any competent court shall be deemed to have been made in pursuance of this Act, and shall exempt the candidate and agent from the provisions of this Act, in so far as they relate to such claims.

Leave by High Court or county court.

127. On cause being shown to the High Court or county court, such court may on application by the claimant, or by the candidate, or his election agent, by order give leave for the payment of the amount so claimed, although sent in after the specified time, or was

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disputed; and any sum so paid by the candidate, or his agent, shall be deemed to have been paid in compliance with the provisions of this Act.

Provided that where the disputed or too late claim is for an amount not exceeding *twenty pounds*, and the total of all such claims does not exceed *sixty pounds*, the application may be made to the county court of the district, and the said court may, on cause shown, by order give leave for the payment of the amount claimed.

Return of election expenses within thirty-five days.

128. Within thirty-five days after the day on which the candidates returned at an election are declared, the election agent of every candidate at that election shall transmit to the returning officer a true return, in the form and manner by this Act provided, of all payments made by the election agent and by the candidate, together with all the bills and receipts; the amount of personal expenses, if any, and of all other payments made by the candidate in respect of the election, together with a statement of all disputed claims of which the election agent is aware; of all unpaid claims, if any, in respect of which application has been or is about to be made to the High Court or county court; and of all money, securities, and equivalent of money received by the election agent from the candidate or from any other person for the purpose of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election, with the name of every person from whom such money may have been received by such election agent.

Declaration by election agent.

129. The return so transmitted to the returning officer shall be accompanied by a declaration made by the election agent before a justice of the peace respecting the election expenses, in the form set forth in the schedule to this Act.

Declaration by candidate.

130. At the same time, or within seven days thereafter, the candidate shall transmit or cause to be transmitted, a declaration made before a justice of the peace in the form set forth in the schedule to this Act.

Declaration by candidate when his own election agent.

131. Where the candidate has named himself as his election agent, he shall make a return similar in all respects to that which should have been made by the election agent appointed by him, accompanied by a declaration made before a justice of the peace respecting the election expenses as set forth in the schedule to this Act.

Failure to make return an illegal practice.

132. If without such lawful and authorised excuse as is in this Act mentioned, a candidate or an election agent fails to comply with the requirements of this section, he shall be deemed guilty of an illegal practice.

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If failure due to others, candidate exonerated.

133. Where it appears to the court that any person being or having been an election agent or sub-agent has refused or failed to make such return or supply such particulars as will enable the candidate and his election agent respectively to comply with the provisions of this Act as to the return and declaration respecting the election expenses, the court shall order the person refusing or failing to make return or supply particulars to attend before the court, and on his attendance shall, unless he shows cause to the contrary, order him to make the return and declaration or to deliver a statement of the particulars required to be contained in the return, as to the court shall seem just, and to make and deliver the same within such time and to such person and in such manner as the court may direct, or may order him to be examined in respect to such particulars, and may in default of compliance with any such order inflict a fine not exceeding *five hundred pounds*, which fine shall be in lieu of, not in addition to the penalties herein-after mentioned, imposed for any infringement of this Act, unless it shall appear that such person was otherwise guilty of an illegal or corrupt practice.

Fine for non-compliance with order of court.

Exemption of candidate or election agent from penalties.

134. If it shall appear to the court that failure to make the return and declaration by the candidate and his election agent required by this Act, was due to the non-compliance of other persons over whom he or they had no control, the court may thereupon exempt the candidate and his election agent or either of them from the penalties for illegal practices mentioned in this Act; or

Exemption in case of illness or death.

135. If it shall appear that such failure to comply with the provisions of this Act was due to illness or death in any case, then the court may exempt the candidate or his election agent from the penalties for illegal practices mentioned in this Act; or

Relief by court in certain cases.

136. If it shall appear to the court that the failure was due to any legitimate cause which led to delay beyond the time limited by this Act, then the court shall have power to grant relief for a specified time, upon surety being given to the satisfaction of the court that the order in respect thereto will, without further delay, be complied with.

Failure to transmit return after expiration of leave given.

137. Where after the date at which the return respecting election expenses is herein provided to be transmitted, leave is given by the High Court or county court of the district for any claims to be paid, the candidate or his election agent shall within seven days after the payment thereof, transmit to the returning officer a return of the sums paid in pursuance of such leave, accompanied by a copy of the order of the court giving leave, and in default he shall be

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deemed to have failed to comply with the requirements of this section, without such authorised excuse as is in this Act provided.

Members sitting and voting after date for transmitting return, &c. liable to penalty of 100*l.*

138. If in the case of an election for any county or borough, or division of a county or borough, the return and declarations as to the election expenses are not returned to the returning officer before the expiration of the time limited by this Act, the candidate shall not, after the expiration of such time, sit or vote in the House of Commons as member for that county, borough, or division of county or borough, until either such return and declarations have been transmitted, or until the date of the allowance of such authorised excuse for the failure to transmit the same as in this Act mentioned; and if he sits or votes in contravention of this enactment, he shall forfeit *one hundred pounds* for every day on which he so sits or votes to any person who sues for the same.

Claim of election agent.

139. So far as circumstances admit, this Act shall apply to a claim for his remuneration by an election agent, and to the payment thereof, in like manner as if he were any other creditor, and if any difference arises respecting the amount of such claim, the claim shall be a disputed claim within the meaning of this Act, and be dealt with accordingly.

Taxation of claim against candidates.

140. If any action is brought in any competent court to recover a disputed claim against a candidate at an election, or his election agent in respect of any expenses incurred on account or in respect of the conduct or management of such election, and the defendant admits his liability, but disputes the amount of the claim, the said amount shall, unless the court on the application of the plaintiff in the action otherwise directs, be forthwith referred for taxation to the master, official referee, registrar, or other proper officer of the court, and the amount found due on such taxation shall be the amount to be recovered in such action in respect of such claim.

Saving for creditors.

141. The provisions of this Act prohibiting certain payments and contracts for payments, and the payment of any sum and the incurring of any expense in excess of the maximum allowed by this Act, shall not affect the right of any creditor who, when the contract was made or the expense incurred, was ignorant of the same being in contravention of this Act.

Provided that such payment or contract for payment, was not for any purpose mentioned in this Act as an illegal payment, or for any illegal or corrupt practice under this Act.

Intimidating, threatening, or injuring a voter at any meeting or time pending

142. Any person or persons who by himself or others prevents by force, intimidation, or threat, any voter who is lawfully entitled to vote from giving his support or advocacy in a legal manner at any meeting called or held by, or on behalf or in the interest of any

candidate, or in favour of the election of any lawfully qualified person to serve as a member in Parliament, and any person or persons who by himself or others injures any voter in person or property on account of such support or advocacy, or in case of conspiracy of one or more persons engaged therein, do or cause to be done any act or furtherance of the object of such conspiracy whereby the voter is injured in his person or property or deprived of having or exercising any right or privilege of a voter as aforesaid, shall be guilty of an illegal practice, and the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation against any one or more of the persons so acting or conspiring.

an election or otherwise to be an illegal practice.

143. Every person who having a knowledge that any of the wrongs conspired to be done and mentioned in the preceding section are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, shall, if such wrongful act be committed, be guilty of an illegal practice, and shall be liable to the party injured or his legal representatives for all damages caused by any wrongful act which such person by reasonable diligence could have prevented, and such damages may be recovered, and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action, but no action under the provisions of this Act shall be sustained which is not commenced within *one year* after the cause of action has accrued.

Persons neglecting to prevent such intimidation and damage to be also guilty of an illegal practice.

144. If any candidate or his election agent, or any person with his knowledge or consent, shall prevent by force, intimidation, or threat, any voter who is lawfully entitled to vote and giving his support or advocacy in a legal manner at any meeting called or held by or on behalf or in the interest of any candidate to serve as a member in Parliament, or to injure any voter in person or property on account of such support or advocacy, he shall be deemed guilty of an illegal practice.

If any candidate shall do any such prohibited act it shall be an illegal practice.

145. Subject to the exceptions and provisoes herein contained:

(1.) Any person found guilty of an illegal practice, whether under the foregoing sections or under other provisions of this Act, shall, on summary conviction, be liable to a fine not exceeding *one hundred pounds*, and be incapable during a period of *five years* from the date of his conviction, of being registered as an elector or voting at any parliamentary election, whether held for or within the county or borough in which the illegal

Illegal practices by any person, fine of 100*l.* and loss of vote for seven years.

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practice was committed, or elsewhere in any part of the United Kingdom.

If by agent or sub-agent, fine of 100*l.* and loss of seat.

(2.) If committed by any duly authorised agent or sub-agent of the candidate, in addition to the fine of one hundred pounds inflicted upon the person committing the offence, the election shall be declared void, and the candidate shall not be capable of being elected to or sitting in the House of Commons during the Parliament for which the election was held; or

If by candidate, fine of 100*l.* and loss of seat for seven years.

(3.) If committed by the candidate, or by his knowledge and consent, the election shall be declared void, and such candidate shall, in addition to the payment of *one hundred pounds*, be held not capable of being elected to or of sitting in the House of Commons for *seven years* from the date of the report.

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(4.) The foregoing penalties shall not be in addition to nor in lieu of any other penalties or incapacities imposed by and in pursuance of the provisions of this Act.

Corrupt Practices.

Personation or aiding and abetting personation. 35 & 36 Vict. c. 33.

146. Any person found guilty of personation or attempted personation, and every person aiding and abetting, or counselling the fraud of personating a voter, shall be deemed guilty of a corrupt practice under this Act.

Treating.

147. Any person who corruptly, by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing any meat, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at an election to or for any candidate, or on account of such person or any other person having voted or refrained from voting at such election for any candidate, shall be deemed guilty of treating; and every person found guilty of treating under this section shall be deemed guilty of a corrupt practice under this Act.

To be a corrupt practice.

Being treated.

148. And any elector who corruptly accepts or takes any such meat, drink, entertainment, or provision, as defined by the preceding section, shall also be deemed guilty of a corrupt practice under this Act.

Undue influence.

149. Every person who shall directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence, or restraint, or inflict or threaten to inflict, by himself or by any other person on his behalf, any temporal or spiritual injury, damage, harm, or loss upon or against any person, in order to induce or compel such person to vote or

refrain from voting, or from giving his support or advocacy in a legal manner at any meeting called or held by, or on behalf, or in the interest of any candidate at an election, or on account of such person having voted or refrained from voting at any election, or who shall by abduction, duress, or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise of any elector, or shall thereby compel, induce, or prevail upon any elector either to give or to refrain from giving his vote at any election, shall be deemed guilty of undue influence. A.D. 1895.

150. And every person found guilty of undue influence under this section shall be deemed guilty of a corrupt practice under this Act. To be a corrupt practice.

151. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or from any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote for any candidate, or to refrain from voting, or shall corruptly do any act as aforesaid on account of such voter having voted or refrained from voting at an election. Bribery, &c.

152. And every person who shall, directly or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure, or endeavour to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of any voter having voted or refrained from voting at any election. Procurement of office or employment, &c.

153. And every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election. Gift, loan, or promise of gift or loan, &c.

154. And every person who shall, upon or in consequence of such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise, or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election. Person corruptly aiding the return of candidate.

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Person supplying money, &c. corruptly to return a candidate.

155. And every person who shall advance or pay, or cause to be advanced or paid, any money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election shall be deemed guilty of bribery and corrupt practices under this Act:

Proviso as to lawful expenditure.

Provided always that the aforesaid sections shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses bonâ fide incurred at or concerning any election.

Person corruptly receiving money, &c. to vote.

156. Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person whatsoever on his behalf, receive or agree to receive, or contract for any money, gift, loan, or valuable consideration, office, place, or employment for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any election.

Person corruptly receiving money, &c. for voting.

157. And every person who shall after any election, directly or indirectly, by himself or by any other person on his behalf receive any money, gift, loan, or valuable consideration, office, place, or employment on account of having voted, or on account of any other person having voted or refrained from voting, or having induced any other person to vote or refrained from voting at any election:

Guilty of corrupt practices.

Shall be deemed guilty of bribery and corruption under this Act, and shall be subject to the penalties for a corrupt practice under the provisions of this Act.

Corrupt payment of rates or rent or remission of rent.

158. Any person who shall, either directly or indirectly, corruptly pay or promise to pay any rate on behalf of any ratepayer, or shall pay or remit any rent to, for, or on behalf of any registered elector, for the purpose of inducing him to vote or refrain from voting at any election, or on account of having voted or refrained from voting at any election, shall be deemed guilty of bribery and corruption.

Corruptly receiving, &c.

159. And any person who shall knowingly receive or be privy to any payment or remission aforesaid, either for himself or for any other person, shall also be deemed guilty of bribery and corruption.

Corruptly paying fee, &c. to or for university voter.

160. Any candidate or other person who shall, either directly or indirectly, corruptly pay, promise to pay, or cause to be paid any fee for the purpose of enabling any person to be registered as a voter for any university, and thereby to influence his vote at any future election; and any candidate or other person who shall, either directly or indirectly, pay, promise to pay, or cause to be paid

Corruptly cognizant of such payment.

such fee on behalf of any person for the purpose of inducing him to vote or refrain from voting; and any person on whose behalf and with whose privity any such payment or promise of payment is made, shall be deemed guilty of a corrupt practice under this Act.

Penalty one year's imprisonment and fine of 200*l.*

161. Subject to the exceptions and provisoes contained in this Act:

(1.) Any person found guilty of a corrupt practice under this Act, whether under any of the foregoing sections or under any other provisions of this Act, shall be guilty of a misdemeanour, and on conviction, either on indictment or before an election court, shall be liable to be imprisoned, with or without hard labour, for a term not exceeding *one year*, or to be fined in any sum not exceeding *two hundred pounds*.

Loss of vote for seven years.

(2.) And, in addition to any punishment as above provided, such person shall be incapable of being registered as an elector, or, being on the list of registered electors, of voting at any election in the United Kingdom, whether it be a parliamentary or municipal election, or an election for any public office, during a period of *seven years* from the date of his conviction; or

Incapacitated from holding office.

(3.) Of holding any public or judicial appointment or office, whether within the meaning of this Act, or of any Act for the government of municipal or other local institutions, and if he holds any such office, such office shall be vacated; or

Justice of the peace be removed from commission of the peace.

(4.) If a justice of the peace, the Lord Chancellor shall remove his name from the list of such justices, and he shall not thereafter be placed upon any commission of the peace; or

Barrister or solicitor or professional men to be subject to other disabilities.

(5.) If a barrister or solicitor, or he holds any appointment in or belongs to any profession, the admission to which is regulated by law, the tribunal for dealing with the conduct of its members shall take cognizance of his misconduct, and shall impose such penalties or disabilities as in the judgment of such tribunal shall meet the justice of the case; and

(6.) If a clerk in holy orders, the bishop of the diocese shall inhibit him from officiating in any parish for a period of *seven years*.

Licensed victuallers, &c. to lose license.

(7.) If a licensed victualler or other licensed person licensed to sell refreshments, and the offence was knowingly committed upon or within his premises, his license shall be revoked, and he shall be declared to be incapable of holding any such license for a period of *seven years*.

Committed by agent, loss of seat for seven years.

(8.) If committed by any duly authorised election agent or sub-agent of the candidate, in the furtherance of such candidate's election, the election shall be declared void, and such candidate shall be incapable of being elected to and of sitting in the

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House of Commons for a period of *seven years* from the date of the conviction of such agent or sub-agent.

Committed by candidate or the election agent, loss of seat for ever.

(9.) If committed by the candidate or by the election agent to a candidate, with the knowledge and consent of such candidate, the election shall be declared void, and the candidate shall be for ever incapable of being elected to or of sitting in the House of Commons; or

Person so guilty not entitled to seat in House of Lords.

(10.) Of being permitted to subscribe the oath, or of sitting in the House of Lords as a peer of the realm.

Corrupt withdrawal of election petition.

162. If any person on behalf of any candidate makes any agreement or terms, or enters into any undertaking, in relation to the withdrawal of an election petition, and such agreement or terms or undertaking is or are for the withdrawal of the election petition in consideration of any payment, or in consideration that the seat shall at any future time be vacated, or in consideration of the withdrawal of any other election petition, or is or are (whether lawful or unlawful) not mentioned in the affidavits laid before the court in respect of such petition, in pursuance of this Act or any other Act, he shall be guilty of a misdemeanour and be deemed guilty of a corrupt practice under this Act.

False declaration.

163. If any candidate, or his election agent, or any registration and returning officer, knowingly makes the declaration required by this Act falsely, he shall be guilty of an offence, and on conviction thereof shall be liable to the punishment for wilful and corrupt perjury, such offence shall also be a corrupt practice within the meaning of this Act, and the person found guilty thereof shall be deemed guilty of a corrupt practice under this Act, and shall be liable to any or all the penalties mentioned in this Act pertaining to such person, and in respect of such offence:

Relief to candidate.

(1.) Provided that where the candidate is out of the United Kingdom at the time when the return so transmitted to the returning officer, and that the reasons for or cause of his absence shall be deemed satisfactory to such returning officer, or to the High Court if the returning officer declines to accept such excuse of absence, the declaration required by this Act may be made by such candidate within fourteen days after his return to the United Kingdom, and in that case shall be forthwith transmitted to the returning officer:

Election agent not exonerated.

(2.) Provided also that the delay hereby authorised shall not exonerate the election agent from complying with the provisions of this Act as to the return and declaration respecting election expenses, in so far as they relate to such election agent.

Employment of person convicted of

164. If on the trial of an election petition it shall appear that the candidate has engaged or employed as his election agent, or

other person for the management or conduct of such election, any person knowing that such person has within *seven years* of such employment been found guilty of illegal or corrupt practices by any competent legal tribunal, or has been reported guilty of illegal or corrupt practices by a Committee of the House of Commons, or by a report of any judge upon an election petition, or by the report of Commissioners appointed for the purpose, the election of such candidate shall be void.

Illegal or corrupt practices.

Voidance of election.

165. If on the trial of an election petition it shall appear to the court that there was general corruption in the constituency, although specific charges may not have been proved against any person or persons, the court may upon being satisfied that the candidate, either by himself or by his agents, directly or indirectly, committed or connived at any of the corrupt or illegal practices before specified, declare such election void, and may inflict any of the penalties in this Act provided against illegal and corrupt practices, as it may deem just to ensure purity of election.

General corruption or illegal practices to void election and render persons liable to penalties.

166. For the purposes of this Act "any person" shall be deemed to include any society, association, committee, or club, in so far as the provisions thereof apply to illegal or corrupt practices; and any such society, association, committee, or club, and all the members thereof, may be indicted for illegal or corrupt practices in the same way and manner as if done by any person or persons individually:

"Person" to include society, association, committee, or club.

Provided that the exemptions, exceptions, and provisoes herein contained shall in like manner be extended to any and all the members of any such society, association, committee, or club.

Proviso.

PART VI.

Conduct and Management of Elections, Method of Polling, Day of Poll, Returns, &c.

Declaratory Ancient Statutes.

Declaratory elections to be free.

167.—(1.) And because elections ought to be free, the Sovereign commandeth upon great forfeiture, that no man by force of arms, nor by malice, or menacing, shall disturb any, to make free election.

Recital of statutes. 3 Edw. I. Statutes of Westminster, the First, c. 5.

(2.) That election of members of Parliament ought to be free.

Freedom of election. 1 W. & M. Sess. 2. c. 2. s. 8.

(3.) That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.

Freedom of speech. 1 W. & M. Sess. 2. c. 2. s. 9.

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Frequent Parliaments. 1 W. & M. Sess. 2. c. 2. s. 13.

(4.) That for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently.

Interference of peers and prelates in elections. Sessional order.

168. No lord of Parliament, or other peer or prelate not being a peer of Ireland, nor any minister of the Crown, or Crown servant, at the time elected and not having declined to serve in any constituency in Great Britain, shall concern himself in the election of members of Parliament, except only any peer of Ireland at such election in Great Britain where such peer shall appear as a candidate, nor shall any lord lieutenant or governor of any county avail himself of his authority to influence an election, and in case any such person shall interfere in an election on behalf of any candidate under this provision, such person or persons shall be deemed guilty of a corrupt practice under this Act, and shall upon conviction be punished as herein provided, and if done with the knowledge, consent, or connivance of the candidate, such election shall be declared void, and the candidate next on the poll shall, if not similarly implicated, or not found guilty of contravening the provisions of this Act, be declared duly elected for such constituency.

Soldiers to be confined to barracks during election.

169. On every day appointed for the nomination or for the election, or for taking the poll for the election of a member or members to serve in the Commons House of Parliament, no soldier shall be allowed to go out of the barracks or quarters in which he is stationed, unless for the purpose of mounting or relieving guard; and every soldier allowed to go out for any such purpose, and those who may be relieved shall return to his barrack or quarters with all convenient speed as soon as his guard shall have been relieved.

Notice by Clerk to the Crown to Secretary of State for War.

170. When and so often as any election of any member or members to serve in the Commons House of Parliament shall be appointed to be made, the clerk to the Crown in Chancery, or other officer making out any new writ for such election, shall, with all convenient speed after making out the said writ, give notice thereof to the Secretary of State for War, or in case there shall be no Secretary of State for War, to the person officiating in his stead, who shall at the earliest convenient time before the day appointed for such nomination and election, give notice thereof in writing to the general officer commanding in each district of Great Britain and Ireland, who shall thereupon give the necessary orders for enforcing the execution of this Act in all places under his command:

Notice by Secretary of State for War to commanding officer.

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Provided always that nothing in this Act contained shall be deemed to apply to any soldiers attending as the guard of Her Majesty, or any person of the royal family, or to soldiers usually stationed or employed within the Bank of England, or at other public buildings under the sanction of the War Office.

Proviso as to mounting guard, &c.

171. In like manner any corps or company of Militia, Yeomanry corps or company, or corps or company of Volunteers, assembled for training, shall be confined to the barracks or quarters where for the time being they are quartered:

Militia, Yeomanry, and Volunteers.

Provided always that any members of such corps or company may be allowed leave of absence by their respective officers for a limited time to go to their respective divisions to record their votes if they or any of them are entitled to vote by reason of being on the authorised list of registered electors for any such division.

Provision as to leave of absence to vote.

172. No person having a right to vote at an election for any county or borough, or division of a county or borough, shall be liable or compelled to serve as a special constable at or during any election for the said division, unless he shall consent so to act; and he shall not be liable to any fine, penalty, or punishment whatsoever for refusing so to act, any statute, law, or usage to the contrary notwithstanding.

Registered elector not to be compelled to serve as special constable.

173. When any act is required to be done as a pre-requisite or qualification for voting, every person charged with the duty of furnishing to voters an opportunity to perform such pre-requisite, or to become qualified to vote, shall give to all voters of the United Kingdom the same and equal opportunity to perform such pre-requisite and to become qualified to vote.

Liability on persons not performing any pre-requisite under this Act.

174. Every person charged with the duty specified in the preceding section who refuses or knowingly omits to give full effect to the section shall forfeit the sum of *ten pounds* to the party aggrieved by such refusal or omission, to be recovered by an action on the case.

Penalty for refusing to give effect to the preceding section.

175. Every person who subjects or causes to be subjected any voter to the deprivation of any rights, privileges, or immunities secured to him by law shall be liable to the party injured in an action.

And liability in civil action to party aggrieved.

176. If two or more persons conspire to prevent by force, or intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under this Act, or from discharging any duties thereof, or to induce by like means any such person to leave any place where his duties under this Act are

Penalties on parties conspiring.

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required to be performed, or to injure his person or property on account of the lawful discharge of his duties, or while engaged in the lawful discharge thereof, or to mislead, interrupt, hinder, or impede him in the discharge of his official duties, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation against any one or more of the persons so conspiring.

Penalty on officers appointed under this Act obstructing voter.

177. Every person having powers or duties of an official character to discharge under any of the provisions of this Act who by threats or by unlawful means hinders, delays, prevents, obstructs, or combines and concerts with others to hinder, delay, prevent, or obstruct any voter from doing any act required to be done to qualify him to vote or from voting at any election, shall forfeit the sum of *twenty pounds* to the party aggrieved, to be recovered in action.

Issue and Return of Writ.

Time limited between teste and return of writ.

178. When at any time a new Parliament shall be summoned, or a writ be issued for the election of any member to serve in Parliament, there shall be *thirty-five days* between the date of issue of the writ or writs, and the return of the writs of summons.

Lord Chancellor to fix date of election and issue writ.

179. The Lord Chancellor, Lord Keeper, or Lord Commissioners of the Great Seal for the time being, shall fix the date of the nomination and election, and issue out the writ or writs for election of members to serve in Parliament, with all expedition, and the several writs shall be delivered to the proper officer to whom the execution thereof doth belong or appertain, and to no other person whatsoever.

Issue of precept for election.

180. Every such officer upon receipt of the said writ shall, upon the back thereof, endorse the day and date when he received the same, and shall forthwith make out the precept or precepts to each county and borough, or division of county or borough within his jurisdiction, where any member or members are to be elected to serve in such new Parliament, or to supply any vacancy during the then existing Parliament.

Delivery of precept to returning officer.

181. Within three days after the said writ of election such officer shall, by himself or proper agent, deliver, or cause to be delivered, such precept or precepts to the returning officer of every such county or borough, or division of a county or borough within

his jurisdiction to whom the execution of such precept doth belong or appertain, and to no other person whatsoever. A.D. 1895.

Returning officer to give public notice of election.

182. Every such returning officer shall endorse upon the back of such precept, the day and date of his receipt thereof, in the presence of the person from whom he received such precept, and he shall forthwith, in manner prescribed and set forth in the schedule, proceed to take measures for expediting the election by giving, or causing to be given public notice of the day of nomination, and the date and place of the election as fixed by the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal for the time being as the case may be.

Dates of nomination and election.

183. The date of nomination shall not be earlier than the eighth, nor be later than the tenth day from the date of issue of writ, and the day of election shall be on the sixth, or at latest on the seventh day after the day of nomination.

Sundays, &c. not to count.

Provided always that Sundays, Christmas Day, Good Friday, and any public fast or thanksgiving day, are not counted, except as to the time between the date of issue of the writ and the return of the writ of summons, which shall remain at thirty-five days inclusive.

Day of nomination and election to be the same throughout the United Kingdom.

184. The date and day of nomination and of election shall be one and the same in each case respectively, in each and every county and borough, or division of county and borough, throughout the United Kingdom.

Parliament may be summoned within thirty-five days.

185. In case of a dissolution, by royal proclamation or otherwise, Parliament may be summoned to meet within thirty-five days after the date of the proclamation of such dissolution, dating from the day of receipt of writ by the proper officer to whom the execution thereof doth belong or appertain, but not otherwise.

Vacation of Seat.

Member accepting office to vacate his seat.

186. Any person being chosen a member of the House of Commons who shall accept any office of profit from or under the Crown, during such time as he shall be a member, his election shall be and is hereby declared to be void, and a new writ shall issue for a new election, as if such person so accepting was naturally dead.

Proviso as to re-election.

Provided, nevertheless, that such person shall be capable of being again elected as if his place had not become void as aforesaid.

Contractors to the

187. Any person being a member of Parliament who is, or may after his election become, a contractor under Government for the

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Government not to sit or vote.

supply of stores, or commodities of any kind, or who is a member of a firm, or partner, or shareholder in a concern having financial transactions with the Government, or any branch of the Government service, shall be incapable of sitting or voting in Parliament, so long as he derives any pecuniary profit from any such transactions. Should any such person sit and vote, he shall be liable to a penalty of *one hundred pounds* for every such offence under this Act.

Penalty for sitting and voting.

Vacancy after general election, Speaker to issue warrant for new writ.

188. In the event of a vacancy, after any general election, the Speaker, by the authority of the House of Commons, shall issue warrants to the clerk of the Crown to make out a new writ, or new writs, as the case may be, to fill any such vacancy; and

Issue of writ during recess.

Vacancy through death, &c.

189. During the recess, whether by prorogation or adjournment, the speaker shall issue his warrant to the clerk of the Crown to issue a new writ for electing a member of the House of Commons in the room of any member who shall die, or become legally incapacitated by acceptance of office or otherwise, or by having become a member of the House of Peers, upon receiving notice by a certificate, under the hands of two members of the House of Commons of the death of such member or notice of acceptance of office, or being legally disqualified, or that a writ of summons has been issued under the great seal summoning such peer to Parliament:

Proviso as to date of issue of writ and nomination and election.

Provided that in each such case the time limited by this Act shall apply as to date of issue of writ, date of nomination, and date of election, and all other matters pertaining thereto as in the case of a general election.

Member on accepting office to notify the Speaker.

190. In the event of a member of the House of Commons accepting office under the Crown which vacates his seat, it shall be the duty of such member to notify the same to the Speaker without delay.

Bankrupt to vacate his seat in Parliament.

191. If a person being a member of the House of Commons is adjudged a bankrupt, he shall be and remain during *one year* from the date of the order of adjudication incapable of sitting and voting in that House, unless within that time either the order is annulled, or the creditors who prove debts under the bankruptcy are fully paid or satisfied.

Proviso as to disputed claims.

Provided that such debts (if any) as are disputed by the bankrupt shall be considered for the purposes of this section, as paid or satisfied, if within the time aforesaid he enters into a bond, in such sum and with such sureties as the court approves to pay the amount to be recovered in any proceedings for the recovery of or

concerning such debts, together with any costs to be given in such proceedings. A.D. 1895.

Certificate of bankruptcy to be given by the court to the Speaker, who shall issue new writ.

192. If within the time aforesaid the order of adjudication is not annulled, and the debts of the bankrupt are not fully paid or satisfied as aforesaid, then the court shall, immediately after the expiration of that time, certify the same to the Speaker of the House of Commons, and thereupon the seat of such member shall be vacant, and the Speaker shall issue his warrant to the clerk of the Crown to make out a new writ for electing another member in the room of the member whose seat has so become vacant.

Nomination and Election.

Nomination of candidate to be in writing, &c.

193. A candidate for election to serve in Parliament for a county or borough, or division of a county or borough, shall be nominated in writing; the nomination paper shall be supplied free of cost by the returning officer, and shall be signed by two registered electors of such county or borough, or division of county or borough, as proposer and seconder, and by eight other registered electors of the same electoral division as assenting to such nomination, which nomination paper shall be delivered to the returning officer by the candidate himself or by his proposer or seconder between the hours of *eleven* o'clock in the forenoon and *one* o'clock afternoon on the day of nomination.

Declaration of election if no opposing candidate is proposed.

194. If at the expiration of two hours from the time fixed for receiving nominations as aforesaid, no more candidates stand nominated than there are vacancies to be filled up, the returning officer shall forthwith declare the candidate or candidates nominated to be duly elected, and shall return his or their names to the clerk of the Crown in Chancery as being duly elected to serve in Parliament for such constituency.

Adjournment of election for poll.

195. If more candidates stand nominated than there are vacancies to be filled, the returning officer shall adjourn the election, and shall take a poll in manner in this Act mentioned.

Withdrawal of candidate.

196. A candidate may, during the time appointed to receive nominations, but not afterwards, withdraw from his candidature by giving a written notice to that effect signed by himself to the returning officer: Provided that the proposer of a candidate nominated in his absence out of the United Kingdom may withdraw such candidate by a written notice signed by him and delivered to the returning officer, together with a written declaration of such absence of the candidate.

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Death of candidate. Declaration of election.

197. If after the adjournment of an election by the returning officer for the purpose of taking a poll one of the candidates shall die before the poll has commenced, or during the poll, the returning officer may, upon being satisfied of the fact of such death, declare the remaining candidate duly elected; but if there is more than one candidate remaining, the poll shall proceed as if no such death had taken place.

Vacancy caused by death, new writ to issue.

198. In any other case of death during the election of a candidate to sit in the House of Commons, the vacancy caused by such death shall be deemed a vacancy caused by the death of a member, and a new writ shall be issued accordingly.

Polling at Elections.

Votes to be given by ballot.

199. In the case of a poll at an election the votes shall be given by ballot, in manner generally set forth in the Seventh Schedule to this Act. The ballot of each voter shall consist of a paper, herein called a ballot paper, upon which the voter shall make a cross, thus +, opposite the name of the candidate for whom he wishes to vote. He shall then fold the ballot paper up so as to conceal his vote, and shall place it in the closed box, called the ballot box, in the presence of the officer after having shown him the official mark on the back.

Polling stations to be open from 8 a.m. to 9 p.m.

200. The polling stations in every case shall be opened for the purpose of receiving votes at eight o'clock in the morning, and shall be kept open until *nine* o'clock in the evening; and during the hours between eight o'clock in the morning and *nine* o'clock in the evening as aforesaid, the ballot boxes shall be open for receiving the vote of every qualified elector desirous of recording his vote, freely and without any obstruction whatsoever.

Ballot boxes to be sealed and taken charge of by returning officer.

201. At the close of the poll the ballot boxes shall be sealed up in the presence of those authorised to be in the polling station, so as to prevent the introduction of additional ballot papers or the abstraction of any that may have been lawfully placed therein, and shall be taken charge of by the returning officer, or his deputy, until the votes are counted.

Ballot boxes to be opened in presence of agents, &c.

202. Immediately preceding the counting, and not before, the ballot boxes shall be opened by the returning officer in the presence of the candidates, or their agents, if either or any of them are in attendance at the time fixed for counting the votes, and the result of the poll shall be ascertained by counting the votes given for each candidate.

Declaration of return by returning officer.

203. The candidate or candidates for whom a majority of the votes have been given shall be declared by the returning officer to

be duly elected to serve in Parliament, and he shall forthwith return such name or names to the clerk of the Crown in Chancery.

Returning officer's decision to be final.

204. The decision of the returning officer shall be final as regards the validity of any ballot paper and with respect to the candidate for whom any vote is given or intended to be given, subject to a reversal on petition questioning the election or return.

Proviso.

Equality of votes, casting vote by the returning officer.

205. In the event of an equality of votes, and the addition of one vote would entitle any candidate to be declared elected, the returning officer may give a casting vote, but otherwise he shall not be entitled to vote at such election.

Recount of votes.

206. Where at the counting of votes any candidate is dissatisfied with the result announced by the returning officer, he may by himself or his election agent demand a recount of the voting papers, and thereupon it shall be the duty of the returning officer to order that the votes be recounted forthwith; but in no case shall the counting when once commenced be adjourned until the following day.

Schedule to be construed with Act.

207. The Seventh Schedule to this Act, the directions therein, and the notes thereto annexed, shall for all the purposes of this Act be regarded as having the same legal effect, and shall be so construed as if the matters therein set forth were severally included in this Part of the said Act.

Offences at elections in respect of nomination paper.

208. Every person who,—

(1.) Forges or fraudulently defaces or destroys any nomination paper, or delivers to the returning officer any nomination paper, knowing the same to be forged; or

Ballot papers.

(2.) Forges or counterfeits, or fraudulently defaces or destroys any ballot paper, or the official mark on any ballot paper; or

Supplying ballot papers.

(3.) Without due authority supplies any ballot paper to any person; or

Fraudulent ballot papers.

(4.) Fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or

Removing any ballot papers.

(5.) Fraudulently takes out of the polling station any ballot paper; or

Destroying the property of returning officers.

(6.) Without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election;

Penalty for offences.

shall be guilty of a misdemeanour and be liable, if he is a returning officer or an officer or clerk in attendance at a polling station, to imprisonment for any term not exceeding *two years*, with or without hard labour; and if any other person to imprisonment for any term not exceeding *six months*, with or without hard labour.

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Attempt to commit offence punishable.

Any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

Returning officer to prosecute.

209. In any indictment or other prosecution for an offence in relation to the several matters pertaining to an election, all properties, &c. shall be held to belong to the returning officer, and he shall prosecute accordingly.

Infringement of secrecy at polling station.

210. Every officer, clerk, agent, and other person in attendance at or permitted to enter the polling station during an election, shall maintain and aid in maintaining the secrecy of voting in such station, and shall not communicate, except for some purpose authorised by law, before the poll is closed any information to any person as to the name or number on the register of voters of any elector who has or has not voted or applied for a ballot paper at that station, or as to the official mark; and no such officer, clerk, agent, or other person, shall interfere or attempt to interfere with a voter when marking his vote, or disclose his vote, or otherwise attempt in the polling station to obtain information as to the candidate for whom any voter has voted or is about to vote.

At counting the votes.

211. Every officer, clerk, agent, or other person in attendance at the counting of votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any voting paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given at such election.

Penalty.

Every person who acts in contravention of the provisions of this and the preceding section shall be liable, on summary conviction, to imprisonment for any term not exceeding *six months*, with or without hard labour.

Election Agents.

Election agent.

212. On or before the day of nomination at an election, a person shall be named in writing to the returning officer, by or on behalf of each candidate, as his election agent for such election, and the returning officer shall forthwith give public notice of the name and address of every such agent.

Candidate may be his own election agent.

A candidate may name himself as election agent, and thereupon shall, so far as circumstances admit, be subject to the provisions of this Act both as candidate and election agent, and any reference in this Act to lection agent shall apply to the candidate acting as his own election agent.

Appointment of election

213. One election agent only shall be appointed for each candidate, but the appointment, whether of candidate as agent or the

agent named, may be revoked; in which case, or in the event of the death of the agent, another agent shall be appointed, and his name and address shall be declared in writing to the returning officer, who shall forthwith give public notice of the same.

Agent may be revoked.

214. In the case of elections specified in the schedule to this Act, the candidate or his election agent on his behalf, may appoint sub-agents to act within the division for which he acts as agent for the candidate.

Sub-agents.

215. The agent may act by his sub-agent in all or any of such polling districts of the division, and all acts done to or by such sub-agent shall be deemed to have been done to and by the election agent, and any act or default of such sub-agent shall, if contrary to the provisions of this Act, be deemed to have been done by the election agent, and he and the sub-agent shall be liable accordingly; and the candidate shall suffer the like incapacity as if the said act or default was done by and through the election agent personally.

Act of sub-agent deemed act of agent.

216. One clear day before the polling the election agent shall declare, in writing, the name and address of every sub-agent to the returning officer, who shall forthwith give public notice of such appointment, and publish name and address of every sub-agent so declared in the division.

Declaration of name and address of sub-agent.

217. The appointment of a sub-agent shall not be vacated by the election agent who appointed him on his ceasing to be the election agent, but may be revoked by the candidate or by his election agent for the time being, in which event, or in the case of death of sub-agent, another may be appointed, and his name and address shall be declared, in writing, to the returning officer, who shall forthwith give public notice of the same, in manner aforesaid.

Power to revoke appointment of sub-agent.

218. Every election agent and sub-agent at an election shall have within his district an office or specified place to which all claims, notices, writs, summonses, and documents may be sent, and the address of such office or specified place shall be declared in writing to the returning officer at the same time as the appointment of such agent or sub-agent, and shall be stated in the public notice naming such agent and sub-agent.

Agent and sub-agent to have public office, &c.

219. The election agent of a candidate, by himself or sub-agent, shall hire every committee room hired on behalf of such candidate, and shall appoint every polling clerk, messenger, or other person employed for payment on behalf of a candidate at an election.

Agent to appoint polling agents, clerks, &c., and hire committee rooms.

220. A contract, whereby any expenses are incurred on account or in respect of the conduct or management of an election, shall not be enforceable against a candidate at such election unless made by

Contracts not enforceable unless made by

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candidate or agent.

the candidate himself, or by his election agent, or sub-agent appointed by him:

Proviso.

Provided that the inability to enforce such contract against the candidate shall not relieve him or his agents from the consequences of any corrupt or illegal practice having been committed either by the candidate or agent.

Election Expenses, Payment of, &c.

Personal expenses of candidate.

221. The candidate at an election may pay any personal expenses incurred by him on account of, or in connexion with, or incidental to such election to an amount not exceeding *one hundred pounds;* but any further payments or personal expenses incurred by him shall be paid by his election agent.

Statement to be sent to election agent.

222. The candidate shall send to the election agent, within the time limited by this Act for sending in claims, a written statement of the amount of personal and other expenses paid as aforesaid by such candidate.

Petty expenses by other person authorised.

223. Any person may, if so authorised in writing by the election agent of the candidate, pay any necessary expenses for stationery, postage, telegrams, and other petty expenses, to the total amount not exceeding that stated in the authority, but any excess above the total amount so named shall be paid by the election agent.

Statement thereof to be sent to the election agent.

224. A statement of the particulars of payments made by any person so authorised shall be sent to the election agent within the time limited by this Act for the sending in of claims, and shall be vouched for by a bill containing the receipt of that person.

Authorised excuse for non-compliance with provisions as to return and declaration respecting election expenses.

225.—(1.) Where the return and declarations respecting election expenses of a candidate at an election for a county or borough have not been transmitted as required by this Act, or being transmitted contain some error or false statement, then—

(*a.*) If the candidate applies to the High Court or an election court, and shows that the failure to transmit such return and declarations, or any of them, or any part thereof or any error or false statement therein, has arisen by reason of his illness, or of the absence, death, illness, or misconduct of his election agent or sub-agent, or of any clerk or officer of such agent, or by reason of inadvertence, or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, or,

(*b.*) If the election agent of the candidate applies to the High Court or an election court, and shows that the failure to transmit the return and declarations which he was required to

transmit, or any part thereof, or any error or false statement therein, arose by reason of his illness or of the death or illness of any prior election agent of the candidate, or of the absence, death, illness, or misconduct of any sub-agent, clerk, or officer of an election agent of the candidate, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant,

the court may, after such notice of the application in the said county or borough, and on production of such evidence of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the court seems fit, make such order for allowing an authorised excuse for the failure to transmit such return and declaration, or for an error or false statement in such return and declaration, as to the court seems just.

(2.) The order may make the allowance conditional upon the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of this Act; and an order allowing an authorised excuse shall relieve the applicant for the order from any liability or consequences under this Act in respect of the matter excused by the order; and where it is proved by the candidate to the court that any act or omission of the election agent in relation to the return and declaration respecting election expenses was without the sanction or connivance of the candidate, and that the candidate took all reasonable means for preventing such act or omission, the court shall relieve the candidate from the consequences of such act or omission on the part of his election agent.

(3.) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse.

Publication of summary of return of election expenses.

226.—(1.) The returning officer at an election, within ten days after he receives from the election agent of a candidate a return respecting election expenses, shall publish a summary of the return in not less than two newspapers circulating in the county or borough for which the election was held, accompanied by a notice of the time and place at which the return and declarations (including the accompanying documents) can be inspected.

(2.) The return and declarations (including the accompanying documents) sent to the returning officer by an election agent shall

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be kept at the office of the returning officer, or some convenient place appointed by him, and shall at all reasonable times during one year next after they are received by the returning officer, be open to inspection by any person on payment of a fee of *one shilling*, and the returning officer shall on demand furnish copies thereof or at any part thereof at the price of *two pence* for every seventy-two words. After the expiration of the said year, the returning officer may cause the said return and declarations (including the accompanying documents), to be destroyed, or, if the candidate or his election agent so require, shall return the same to the candidate.

Disqualification of Electors.

Prohibition of persons guilty of corrupt or illegal practices, &c. from voting.

227. Every person guilty of a corrupt or illegal practice or of illegal employment, payment, or hiring at an election is prohibited from voting at such election, and if any such person votes his vote shall be void.

Prohibition of disqualified persons from voting.

228. Every person who, in consequence of conviction or of the report of any election court or election commissioners under this Act, or under Part IV. of the Municipal Corporations Act, 1882, or under any other Act for the time being in force relating to corrupt practices at an election for any public office, has become incapable of voting at any election, whether, a parliamentary election or an election to any public office, is prohibited from voting at any such election, and his vote shall be void.

Hearing of person before he is reported guilty of corrupt or illegal practice, and incapacity of person reported guilty.

229.—(1.) Before a person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is reported by an election court, and before any person is reported by election commissioners, to have been guilty, at an election, of any corrupt or illegal practice, the court or commissioners as the case may be, shall cause notice to be given to such person, and if he appears in pursuance of the notice, shall give him an opportunity of being heard by himself and of calling evidence in his defence to show why he should not be so reported.

(2.) Every person reported by election commissioners to have been guilty at an election of any corrupt or illegal practice, may appeal against such report to the next court of oyer and terminer or gaol delivery held in and for the county or place inwhich the offence is alleged to have been committed, and such court may hear and

determine the appeal; and subject to rules of court such appeal may be brought, heard, and determined in like manner as if the court were a court of quarter sessions and the said commissioners were a court of summary jurisdiction, and the person so reported had been convicted by a court of summary jurisdiction for an offence under this Act, and notice of every such appeal shall be given to the Director of Public Prosecutions in the manner and within the time directed by rules of court, and subject to such rules, then within three days after the appeal is brought.

(3.) Where it appears to the Lord Chancellor that appeals under this section are interfering or are likely to interfere with the ordinary business transacted before any courts of oyer and terminer or gaol delivery, he may direct that the said appeals, or any of them, shall be heard by the judges for the time being on the rota for election petitions, and in such cases one of such judges shall proceed to the county or place in which the offences are alleged to have been committed, and shall there hear and determine the appeals in like manner as if such judge were a court of oyer and terminer.

(4.) Every person who after the *commencement of this Act* is reported by an election court or election commissioners to have been guilty of any corrupt or illegal practice at an election, shall, whether he obtained a certificate of indemnity or not, be subject to the same incapacity as he would be subject to if he had at the date of such election been convicted of the offence of which he is reported to have been guilty; provided that a report of any election commissioners inquiring into an election for a county or borough shall not void the election of any candidate who has been declared by an election court on the trial of a petition respecting such election to have been duly elected at such election, or render him incapable of sitting in the House of Commons for the said county or borough during the Parliament for which he was elected.

(5.) Where a person who is a justice of the peace is reported by any election court or election commissioners to have been guilty of any corrupt practice in reference to an election, whether he has obtained a certificate of indemnity or not, it shall be the duty of the Director of Public Prosecutions to report the case to the Lord High Chancellor of Great Britain, with such evidence as may have been given of such corrupt practice, and where any such person acts as a justice of the peace by virtue of his being, or having been, mayor of a borough, the Lord High Chancellor shall have the same

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power to remove such person from being a justice of the peace as if he was named in a commission of the peace.

(6.) Where a person who is a barrister or a solicitor, or who belongs to any profession, the admission to which is regulated by law, is reported by an election court or election commissioners to have been guilty of any corrupt practice in reference to an election, whether such person has obtained a certificate of indemnity or not, it shall be the duty of the Director of Public Prosecutions to bring the matter before the Inn of Court, High Court, or tribunal having power to take cognizance of any misconduct of such person in his profession, and such Inn of Court, High Court, or tribunal may deal with such person in like manner as if such corrupt practice were misconduct by such person in his profession.

(7.) With respect to a person holding a license or certificate under the Licensing Acts (in this section referred to as a licensed person) the following provisions shall have effect:

(*a.*) If it appears to the court by which any licensed person is convicted of the offence of bribery or treating that such offence was committed on his licensed premises, the court shall direct such conviction to be entered in the proper register of licences.

(*b.*) If it appears to an election court or election commissioners that a licensed person has knowingly suffered any bribery or treating in reference to any election to take place upon his licensed premises, such court or commissioners (subject to the provisions of this Act as to a person having an opportunity of being heard by himself and producing evidence before being reported) shall report the same; and whether such person obtained a certificate of indemnity or not, it shall be the duty of the Director of Public Prosecutions to bring such report before the licensing justices from whom or on whose certificate the licensed per on obtained his license, and such licensing justices shall cause such report to be entered in the proper register of licences.

(*c.*) Where an entry is made in the register of licenses of any such conviction of or report respecting any licensed person as above in this section mentioned, it shall be taken into consideration by the licensing justices in determining whether they will or will not grant to such persons the renewal of his licence or certificate, and may be a ground, if the justices think fit, for refusing such renewal.

(8.) Where the evidence showing any corrupt practice to have been committed by a justice of the peace, barrister, solicitor, or

other professional person, or any licensed person, was given before election commissioners, those commissioners shall report the case to the Director of Public Prosecutions, with such information as is necessary or proper for enabling him to act under this section.

(9.) This section shall apply to an election court under this Act, or under Part IV. of the Municipal Corporations Act, 1882, and the expression election shall be construed accordingly.

List in register of voters incapacitated for voting by corrupt or illegal practices.

230.—(1.) The registration officer in every county and borough shall annually make out a list containing the names and description of all persons who, though otherwise qualified to vote at a parliamentary election for such county or borough respectively, are not capable of voting by reason of having, after the commencement of this Act, been found guilty of a corrupt or illegal practice on conviction, or by the report of any election court or election commissioners, whether under this Act or under Part IV. of the Municipal Corporations Act, 1882, or under any other Act for the time being in force relating to a parliamentary election or an election to any public office; and such officer shall state in the list the offence of which each person has been found guilty.

(2.) For the purpose of making out such list he shall examine the report of any election court or election commissioners who have respectively tried an election petition or inquired into an election where the election (whether a parliamentary election or an election to any public office) was held in any of the following places; that is to say,

(*a.*) If he is the registration officer of a county, in that county, or in any borough in that county; and

(*b.*) If he is the registration officer of a borough, in the county in which such borough is situate, or in any borough of that county.

(3.) The registration officer shall publish the list, together with the list of voters, and shall also, in the case of every person found guilty of corrupt and illegal practices, omit his name from the list of persons entitled to vote, or, as circumstances require, add "objected" before his name in the list of claimants or copy of the register published by him, in like manner as is required by law in any other cases of disqualification.

(4.) Any person named in the Corrupt and Illegal Practices List may claim to have his name omitted therefrom, and any person entitled to object to any list of voters for the county or borough may object to the omission of the name of any person from such list. Such claims and objections shall be sent in within the same

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time and be dealt with in like manner, and any such objection shall be served on the person referred to therein in like manner, as nearly as circumstances admit, as other claims and objections under the enactments relating to the registration of parliamentary electors.

(5.) The registration and returning officer or other proper person named in this Act shall determine such claims and objections and shall revise such list in like manner as nearly as circumstances admit, as in the case of other claims and objections and of any list of voters.

(6.) Where it appears to the registration and returning officer or other proper person named in this Act that a person not named in the Corrupt and Illegal Practices List is subject to have his name inserted in such list, he shall (whether an objection to the omission of such name from the list has or has not been made, but) after giving such person an opportunity of making a statement to show cause to the contrary, insert his name in such list, and expunge his name from any list of voters.

(7.) A registration and returning officer in acting under this section shall determine only whether a person is incapacitated by conviction or by the report of any election court or election commissioners, and shall not determine whether a person has or not been guilty of any corrupt or illegal practice.

(8.) The Corrupt and Illegal Practices List shall be appended to the Register of Voters, and shall be printed and published therewith wherever the same is printed or published.

Proceedings on Election Petition.

Time for presentation of election petitions alleging illegal practice.

231.—(1.) Where an election petition questions the return or the election upon an allegation of an illegal practice, then, notwithstanding anything in the Parliamentary Elections Act, 1868, such petition, so far as respects such illegal practice, may be presented within the time following; (that is to say,)

(*a.*) At any time before the expiration of *twenty-eight days* after the day on which the returning officer received the return and declarations respecting election expenses by the member to whose election the petition relates and his election agent.

(*b.*) If the election petition specifically alleges a payment of money or some other act to have been made or done since the said day by the member or an agent of the member, or with the privity of the member or his election agent, in pursuance or in furtherance of the illegal practice alleged in the petition, the petition may be presented at any time within twenty-eight days after the date of such payment or other act.

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(2.) Any election petition presented within the time limited by this Act may, for the purpose of questioning the return or the election upon an allegation of an illegal practice, be amended with the leave of the High Court within the time within which a petition questioning the return upon the allegation of that illegal practice can under this section be presented.

(3.) This section shall apply in the case of an offence relating to the return and declarations respecting election expenses in like manner as if it were an illegal practice, and also shall apply notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice.

(4.) For the purpose of this section—

(*a.*) where the return and declarations are received on different days, the day on which the last of them is received; and

(*b.*) where there is an authorised excuse for failing to make and transmit the return and declarations respecting election expenses, the date of the allowance of the excuse, or if there was a failure as regards two or more of them, and the excuse was allowed at different times, the date of the allowance of the last excuse,

shall be substituted for the day on which the return and declarations are received by the returning officer.

(5.) For the purposes of this section, time shall be reckoned in like manner as it is reckoned for the purposes of the parliamentary elections.

Withdrawal of election petition.

232.—(1.) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits by all the parties to the petition and their solicitors, and by the election agents of all of the said parties who were candidates at the election, but the High Court may on cause shown dispense with the affidavit of any particular person if it seems to the court on special grounds to be just so to do.

(2.) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into, in relation to the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(3.) The affidavit of the applicant and his solicitor shall further state the ground on which the petition is sought to be withdrawn.

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(4.) Copies of the said affidavits shall be delivered to the Director of Public Prosecutions a reasonable time before the application for the withdrawal is heard, and the court may hear the Director of Public Prosecutions or his assistant or other representative (appointed with the approval of the Attorney-General), in opposition to the allowance of the withdrawal of the petition, and shall have power to receive the evidence on oath of any person or persons whose evidence the Director of Public Prosecutions or his assistant, or other representative, may consider material.

(5.) Where in the opinion of the court the proposed withdrawal of a petition was the result of any agreement, terms, or undertaking prohibited by this section, the court shall have the same power with respect to the security as where the withdrawal is induced by a corrupt consideration.

(6.) In every case of the withdrawal of an election petition the court shall report to the speaker whether, in the opinion of such court, the withdrawal of such petition was the result of any agreement, terms, or undertaking, or was in consideration of any payment, or in consideration that the seat should at any time be vacated, or in consideration of the withdrawal of any other election petition, or for any other consideration, and if so, shall state the circumstances attending the withdrawal.

(7.) Where more than one solicitor is concerned for the petitioner or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

(8.) Where a person not a solicitor is lawfully acting as agent in the case of an election petition, that agent shall be deemed to be a solicitor for the purpose of making an affidavit in pursuance of this section.

Continuation of trial of election petition.

233. The trial of every election petition so far as is practicable, consistently with the interests of justice in respect of such trial, shall be continued de die in diem on every lawful day until its conclusion, and in case the rota of judges for the year shall expire before the conclusion of the trial, or of all the proceedings in relation or incidental to the petition, the authority of the said judges shall continue for the purpose of the said trial and proceedings.

Attendance of Director of Public Prosecutions on trial of election petition, and

234.—(1.) On every trial of an election petition the Director of Public Prosecutions shall by himself or by his assistant, or by such representative as herein-after mentioned, attend at the trial, and it shall be the duty of such Director to obey any directions given to him by the election court with respect to the summoning and

examination of any witness to give evidence on such trial, and with respect to the prosecution by him of offenders, and with respect to any person to whom notice is given to attend with a view to report him as guilty of any corrupt or illegal practice.

(2.) It shall also be the duty of such Director, without any direction from the election court, if it appears to him that any person is able to give material evidence as to the subject of the trial, to cause such person to attend the trial, and with the leave of the court to examine such person as a witness.

(3.) It shall also be the duty of the said Director, without any direction from the election court, if it appears to him that any person who has not received a certificate of indemnity has been guilty of a corrupt or illegal practice, to prosecute such person for the offence before the said court, or of he thinks it expedient in the interests of justice before any other competent court.

(4.) Where a person is prosecuted before an election court for any corrupt or illegal practice, and such person appears before the court, the court shall proceed to try him summarily for the said offence, and such person, if convicted thereof upon such trial, shall be subject to the same incapacities as he is rendered subject to under this Act upon conviction, whether on indictment or in any other proceeding for the said offence; and further, may be adjudged by the court, if the offence is a corrupt practice, to be imprisoned, with or without hard labour, for a term not exceeding *six months*, or to pay a fine not exceeding *two hundred pounds*, and if the offence is an illegal practice, to pay such fine as is fixed by this Act for the offence.

Provided that, in the case of a corrupt practice, the court before proceeding to try summarily any person, shall give such person the option of being tried by a jury.

(5.) Where a person is so prosecuted for any such offence, and either he elects to be tried by a jury or he does not appear before the court, or the court thinks it in the interests of justice expedient that he should be tried before some other court, the court, if of opinion that the evidence is sufficient to put the said person upon his trial for the offence, shall order such person to be prosecuted on indictment or before a court of summary jurisdiction, as the case may require, for the said offence; and in either case may order him to be prosecuted before such court as may be named in the order; and for all purposes preliminary and of and incidental to such prosecution the offence shall be deemed to have been committed within the jurisdiction of the court so named.

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(6.) Upon such order being made,

(*a.*) If the accused person is present before the court, and the offence is an indictable offence, the court shall commit him to take his trial, or cause him to give bail to appear and take his trial for the said offence; and

(*b.*) If the accused person is present before the court, and the offence is not an indictable offence, the court shall order him to be brought before the court of summary jurisdiction before whom he is to be prosecuted, or cause him to give bail to appear before that court; and

(*c.*) If the accused person is not present before the court, the court shall, as circumstances require, issue a summons for his attendance, or a warrant to apprehend him and bring him, before a court of summary jurisdiction, and that court, if the offence is an indictable offence, shall, on proof only of the summons or warrant and the identity of the accused, commit him to take his trial, or cause him to give bail to appear and take his trial for the said offence, or if the offence is punishable on summary conviction, shall proceed to hear the case, or if such court be not the court before whom he is directed to be prosecuted, shall order him to be brought before that court.

(7.) The Director of Public Prosecutions may nominate, with the approval of the Attorney-General, a barrister or solicitor of not less than ten years standing to be his representative for the purpose of this section, and that representative shall receive such remuneration as the Commissioners of Her Majesty's Treasury may approve. There shall be allowed to the Director and his assistant or representative, for the purposes of this section, such allowance for expenses as the Commissioners of Her Majesty's Treasury may approve.

(8.) *The costs incurred in defraying the expenses of the Director of Public Prosecutions under this section (including the remuneration of his representative) shall, in the first instance, be paid by the Commissioners of Her Majesty's Treasury, and so far as they are not in the case of any prosecution paid by the defendant shall be deemed to be expenses of the election court;* but if for any reasonable cause it seems just to the court so to do, the court shall order all or part of the said costs to be repaid to the Commissioners of Her Majesty's Treasury by the parties to the petition, or such of them as the court may direct.

Power to election court to

235.—(1.) Where upon the trial of an election petition respecting an election for a county or borough it appears to the election court

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order payment by county or borough or individual of costs of election petition.

that a corrupt practice has not been proved to have been committed in reference to such election by or with the knowledge and consent of the respondent to the petition, and that such respondent took all reasonable means to prevent corrupt practices being committed on his behalf, the court may make one or more orders with respect to the payment either of the whole or such part of the costs of the petition as the court may think right as follows:

(*a.*) If it appears to the court that corrupt practices extensively prevailed in reference to the said election, the court may order the whole or part of the costs to be paid by the county or borough; and

(*b.*) If it appears to the court that any person or persons is or are proved, whether by providing money or otherwise, to have been extensively engaged in corrupt practices, or to have encouraged or promoted extensive corrupt practices in reference to such election, the court may, after giving such person or persons an opportunity of being heard by counsel or solicitor and examining and cross-examining witnesses to show cause why the order should not be made, order the whole or part of the costs to be paid by that person, or those persons or any of them, and may order that if the costs cannot be recovered from one or more of such persons, they shall be paid by some other of such persons or by either of the parties to the petition.

(2.) Where any person appears to the court to have been guilty of the offence of a corrupt or illegal practice, the court may, after giving such person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the costs of or incidental to any proceeding before the court in relation to the said offence or to the said person to be paid by the said person.

(3.) The rules and regulations of the Supreme Court of Judicature with respect to costs to be allowed in actions, causes, and matters in the High Court shall in principle and so far as practicable apply to the costs of petition and other proceedings under this Act, and the taxing officer shall not allow any costs, charges, or expenses on a higher scale than would be allowed in any action, cause, or matter in the High Court on the higher scale, as between solicitor and client.

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Miscellaneous.

Inquiry by Director of Public Prosecutions into alleged corrupt or illegal practices.

236. Where information is given to the Director of Public Prosecutions that any corrupt or illegal practices have prevailed in reference to any election, it shall be his duty, subject to the regulations under the Prosecution of Offences Act, 1879, to make such inquiries and institute such prosecutions as the circumstances of the case appear to him to require.

Removal of incapacity on proof that it was procured by perjury.

237. Where a person has, either before or after the *commencement of this Act*, become subject to any incapacity under the Corrupt Practices Prevention Acts or this Act by reason of a conviction or of a report of any election court or election commissioners, and any witness who gave evidence against such incapacitated person upon the proceeding for such conviction or report is convicted of perjury in respect of that evidence, the incapacitated person may apply to the High Court, and the court, if satisfied that the conviction or report so far as respects such person was based upon perjury, may order that such incapacity shall thenceforth cease, and the same shall cease accordingly.

Amendment of law as to polling districts and polling places.

238.—(1.) Every county and borough, and division of a county and borough, shall be divided into polling districts, and a polling place shall be assigned to each district in such manner that, so far as is reasonably practicable, every elector resident in the county shall have his polling place within a reasonable distance from his residence, as herein-before provided.

(2.) In every county the registration and returning officer appointed under this Act shall from time to time divide the county into polling districts, and assign polling places to those districts, and alter those districts and polling places in such manner as may be necessary for the purpose of effectually carrying into effect the provisions of this Act.

(3.) The power of dividing a borough into polling districts vested in a local authority by the Representation of the People Act, 1867, and the enactments amending the same, shall be exercised by the registration and returning officer from time to time, and the said power shall be deemed to include the power of altering any polling district, and the said officer shall from time to time, where necessary for the purpose of carrying this section into effect, divide the borough into polling districts in such manner that—

(*a.*) Every elector resident in a borough shall be enabled to poll within a distance not exceeding one mile from his residence.

(*b.*) Every elector resident in a group of boroughs or district burghs shall be enabled to poll within a distance not exceeding one mile from his residence.

Expenses of arranging polling districts to be charged to the consolidated fund.

239. *The expenses incurred under this or any other Act in dividing their county or borough into polling districts, and, in the case of a county, assigning polling places to such districts, and in altering any such districts or polling places, shall be defrayed in like manner as if they were expenses incurred by the registration and returning officer in the execution of the sections respecting the registration of electors in such county or borough, and those sections so far as is consistent with the tenor thereof, shall apply accordingly.*

Election commissioners not to inquire into elections before the passing of this Act.

240. Where, after the *passing of this Act*, any commissioners have been appointed, on a joint address of both Houses of Parliament, for the purpose of making inquiry into the existence of corrupt practices in any election, the said commissioners shall not make inquiries concerning any election that shall have taken place prior to the passing of this Act, and no witness called before such commissioners, or at any election petition after the passing of this Act, shall be liable to be asked or bound to answer any question for the purpose of proving the commission of any corrupt practice at or in relation to any election prior to the passing of this Act.

Legal Proceedings.

Trial in Central Criminal Court of indictment for corrupt practice at instance of Attorney-General.

241. Where an indictment as defined by this Act for any offence under this Act is instituted in the High Court or is removed into the High Court by a writ of certiorari issued at the instance of the Attorney-General, and the Attorney-General suggests on the part of the Crown that it is expedient for the purposes of justice that the indictment should be tried in the Central Criminal Court, or if a special jury is ordered that it should be tried before a judge and jury at the Royal Courts of Justice, the High Court may, if it think fit, order that such indictment shall be so tried upon such terms as the court may think just, and the High Court may make such orders as appear to the court necessary or proper for carrying into effect the order for such trial.

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Limitation of time for prosecution of offence.

242.—(1.) A proceeding against a person in respect of the offence of a corrupt or illegal practice or any other offence under this Act shall be commenced within one year after the offence was committed, or if it was committed in reference to an election with respect to which an inquiry is held by election commissioners shall be commenced within *one year* after the offence was committed, or within three months after the report of such commissioners is made, whichever period last expires, so that it be commenced within *two years* after the offence was committed, and the time so limited by this section shall, in the case of any proceeding under the Summary Jurisdiction Acts for any such offence, whether before an election court or otherwise, be substituted for any limitation of time contained in the last-mentioned Acts.

(2.) For the purposes of this section the issue of a summons, warrant, writ, or other process shall be deemed to be a commencement of a proceeding, where the service or execution of the same on or against the alleged offender is prevented by the absconding or concealment or act of the alleged offender, but save as aforesaid the service or execution of the same on or against the alleged offender and not the issue thereof, shall be deemed to be the commencement of the proceeding.

Persons charged with corrupt practice may be found guilty of illegal practice.

243. Any person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice, (which offence shall for that purpose be an indictable offence,) and any person charged with an illegal practice may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt practice, and a person charged with illegal payment, employment, or hiring, may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt or illegal practice.

Costs and expenses of prosecutions relating to bribery, &c., &c.
17 & 18 Vict. c. 102. s. 10.

244. It shall be lawful for any criminal or other court in this Act mentioned, before which any prosecution shall be instituted for any offence against the provisions of this Act, to order payment to the prosecutor of such costs and expenses as to the said court shall appear to have been reasonable in and about the conduct of such prosecution: Provided always, that no indictment for bribery or undue influence shall be triable before any court of quarter sessions.

In cases of private prosecutions, if judgment be

245. In case of any indictment or information by a private prosecutor for any offence against the provisions of this Act, if judgment shall be given for the defendant, he shall be entitled to

recover from the prosecutor the costs sustained by the defendant, by reason of such indictment or information, such costs to be taxed by the proper officer of the court in which such judgment shall be given.

given for the defendant, he shall recover costs from the prosecutor. 17 & 18 Vict. c. 102. s. 12.

(3.) A registration and returning officer under this Act, and the Director of Public Prosecutions, or any person instituting any prosecution on their behalf or by the direction of an election court, shall not be deemed to be a private prosecutor under this Act.

(4.) On any prosecution under this Act, whether on indictment or summarily, and whether before an election court or otherwise, and in any action for a pecuniary forfeiture under this Act, the person prosecuted or sued, and the husband or wife of such person, may, if he or she think fit, be examined as an ordinary witness in the case.

(5.) On any such prosecution or action as aforesaid it shall be sufficient to allege that the person charged was guilty of an illegal practice, payment, employment, or hiring within the meaning of this Act, as the case may be, and the certificate of the returning officer at an election that the election mentioned in the certificate was duly held, and that the person named in the certificate was a candidate at such election, shall be sufficient evidence of the facts therein stated.

Prosecutions on summary conviction, and appeal to quarter sessions.

246.—(1.) All offences under this Act punishable on summary conviction may be prosecuted in manner provided by the Summary Jurisdiction Acts.

(2.) A person aggrieved by a conviction by a court of summary jurisdiction for an offence under this Act, may appeal to general or quarter sessions against such conviction.

Application of Summary Jurisdiction and Indictable Offences Acts to proceedings before election courts.

247.—(1.) Except that nothing in this Act shall authorise any appeal against a summary conviction by an election court, the Summary Jurisdiction Acts shall, so far as is consistent with the tenor thereof, apply to the prosecution of an offence summarily before an election court, in like manner as if it were an offence punishable only on summary conviction, and accordingly the attendance of any person may be enforced, the case heard and determined, and any summary conviction by such court be carried into effect and enforced, and the costs thereof paid, and the record thereof dealt with under those Acts in like manner as if the court were a petty sessional court for the county or place in which such conviction took place.

(2.) The enactments relating to charges before justices against persons for indictable offences shall, so far as is consistent with the

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tenor thereof, apply to every case where an election court orders a person to be prosecuted on indictment in like manner as if the court were a justice of the peace.

Exercise of jurisdiction of High Court, and making of rules of court.

248.—(1.) Subject to any rules of court, any jurisdiction vested by this Act in the High Court may, so far as it relates to indictments or other criminal proceedings, be exercised by any judge of the Queen's Bench Division, and in other respects may either be exercised by one of the judges for the time being on the rota for the trial of election petitions, sitting either in court or at chambers, or may be exercised by a master of the Supreme Court of Judicature in manner directed by and subject to an appeal to the said judges.

Provided that a master shall not exercise jurisdiction in the case either of an order declaring any act or omission to be an exception from the provisions of this Act with respect to illegal practices, payments, employments, or hirings, or of an order allowing an excuse in relation to a return or declaration respecting election expenses.

(2.) Rules of court may from time to time be made, revoked, and altered for the purposes of this Act, and the Acts amending the same, by the same authority by whom rules of court for procedure and practice in the Supreme Court of Judicature can for the time being be made.

Director of Public Prosecutions and expenses of prosecutions.

249.—(1.) The Director of Public Prosecutions in performing any duty under this Act shall act in accordance with the regulations under the Prosecution of Offences Act, 1879, and subject thereto in accordance with the directions (if any) given to him by the Attorney-General; and any assistant or representative of the Director of Public Prosecutions in performing any duty under this Act shall act in accordance with the said regulations and directions, if any, and with the directions given to him by the Director of Public Prosecutions.

(2.) Subject to the provisions of this Act, the costs of any prosecution on indictment for an offence punishable under this Act, whether by the Director of Public Prosecutions or his representative, or by any other person, shall, so far as they are not paid by the defendant, be paid in like manner as costs in the case of a prosecution for felony are paid.

Recovery of costs payable by county or borough or by person.

250.—(1.) Where any costs or other sums (not being costs of a prosecution on indictment) are, under an order of an election court, or otherwise under this Act to be paid by a county or borough, *the Commissioners of Her Majesty's Treasury shall pay those costs or sums, and obtain repayment of the amount so paid, in like*

manner as if such costs and sums were expenses of election commissioners paid by them. A.D. 1895.

(2.) Where any costs or other sums are, under the order of an election court or otherwise under this Act, to be paid by any person, those costs shall be a simple contract debt due from such person to the person or persons to whom they are to be paid, and if payable to the Commissioners of Her Majesty's Treasury shall be a debt to Her Majesty, and in either case may be recovered accordingly.

Supplemental Provisions, Definitions, Savings, and Repeal.

Obligation of witness to answer, and certificate of indemnity.

251.—(1.) A person who is called as a witness respecting an election before any election court shall not be excused from answering any question relating to any offence at or connected with such election on the ground that the answer thereto may criminate or tend to criminate himself, or on the ground of privilege:

Provided that—

(*a.*) No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state or disclose for whom he has voted at such election.

(*b.*) A witness who answers truly all questions which he is required by the election court to answer shall be entitled to receive a certificate of indemnity under the hand of a member of the court stating that such witness has so answered; and

(*c.*) An answer by a person to a question put by or before any election court shall not, except in the case of any criminal proceeding for perjury in respect of such evidence, be in any proceeding, civil or criminal, admissible in evidence against him.

(2.) Where a person has received such a certificate of indemnity in relation to an election, and any legal proceeding is at any time instituted against him for any offence under this Act, committed by him previously to the date of the certificate at or in relation to the said election, the court having cognizance of the case shall on proof of the certificate stay the proceeding, and may in their discretion award to the said person such costs as he may have been put to in the proceeding.

(3.) Nothing in this section shall be taken to relieve a person receiving a certificate of indemnity from any incapacity under this

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Act or from any proceeding to enforce such incapacity (other than a criminal prosecution).

(4.) This section shall apply in the case of a witness before any election commissioners, in like manner as if the expression "election court" in this section included election commissioners.

(5.) Where a solicitor or person lawfully acting as agent for any party to an election petition respecting any election for a county or borough has not taken any part or been concerned in such election, the election commissioners inquiring into such election shall not be entitled to examine such solicitor or agent respecting matters which came to his knowledge by reason only of his being concerned as solicitor or agent for a party to such petition.

Submission of report of election court or commissions to Attorney-General.

252. An election court or election commissioners, when reporting that certain persons have been guilty of any corrupt or illegal practice, shall report whether those persons have or not been furnished with certificates of indemnity; and such report shall be laid before the Attorney-General (accompanied in the case of the commissioners with the evidence on which such report was based) with a view to his instituting or directing a prosecution against such persons as have not received certificates of indemnity, if the evidence should, in his opinion, be sufficient to support a prosecution.

Breach of duty by officer.

253. Every registration and returning officer, presiding officer, and clerk, appointed under this Act, and every sheriff, under sheriff, clerk of the peace, town clerk, secondary, clerk of the Crown, overseer, postmaster, or any other public officer or other person required to do any matter or thing by and under this Act, who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of this Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act, or omission a penal sum not exceeding *one hundred pounds*, or such less sum as the jury, before whom may be tried any such action brought for the recovery of the before-mentioned penalty, shall consider just to be paid to such party, with full costs of suit.

Publication and service of notices.

254.—(1.) Any public notice required to be given by the registration and returning officer under this Act shall be given in the manner herein directed to give a public notice.

(2.) Where any summons, notice, or document is required to be served on any person with reference to any proceeding respecting

an election for a county or borough, whether for the purpose of causing him to appear before the High Court or any election court, or election commissioners, or otherwise, or for the purpose of giving him an opportunity of making a statement, or showing cause, or being heard by himself, before any court or commissioners, for any purpose of this Act, such summons, notice, or document may be served either by delivering the same to such person, or by leaving the same at, or sending the same by post by a registered letter to, his last known place of abode in the said county or borough, or if the proceeding is before any court or commissioners, in such other manner as the court or commissioners may direct, and in proving such service by post it shall be sufficient to prove that the letter was prepaid, properly addressed, and registered with the post office.

Definition of candidate, and saving for persons nominated without consent.

255.—(1.) In this Act, the expression "candidate at an election" and the expression "candidate" respectively mean, unless the context otherwise requires, any person elected to serve in Parliament at such election, and any person who is nominated as a candidate at such election, or is declared by himself or by others to be a candidate on or after the day of the issue of the writ for such election, or after the dissolution or vacancy in consequence of which such writ has been issued:

(2.) Provided that where a person has been nominated as a candidate or declared to be a candidate by others, then—

(*a.*) If he was so nominated or declared without his consent, nothing in this Act shall be construed to impose any liability on such person, unless he has afterwards given his assent to such nomination or declaration or has been elected; and

(*b.*) If he was so nominated or declared, either without his consent or in his absence and he takes no part in the election, he may, if he thinks fit, make the declaration respecting election expenses contained in the second part of the Second Schedule to this Act, and the election agent shall, so far as circumstances admit, comply with the provisions of this Act with respect to expenses incurred on account of or in respect of the conduct or management of the election in like manner as if the candidate had been nominated or declared with his consent.

General interpretation of terms.

256. In this Act, unless the context otherwise requires—

The expression "election" means the election of a member or members to serve in Parliament:

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The expression "election petition" means a petition presented against the return of any member to serve in Parliament in pursuance of this Act:

The expression "election court" means the judges presiding at the trial of an election petition, or, if the matter comes before the High Court, that court:

The expression "election commissioners" means commissioners appointed to try an election petition under this Act:

The expression "High Court" means Her Majesty's High Court of Justice in England:

The expressions "court of summary jurisdiction," "petty sessional court," and "Summary Jurisdiction Acts" have the same meaning as in the Summary Jurisdiction Act, 1879:

The expression "the Attorney-General" includes the Solicitor-General in cases where the office of the Attorney-General is vacant or the Attorney-General is interested or otherwise unable to act:

The expressions "registration officer" and "returning officer" respectively mean the registration and returning officer appointed under this Act:

The expression "elector" means any person whose name is for the time being on the register roll or book containing the names of the persons entitled to vote at the election with reference to which the expression is used:

The expression "register of electors" means the said register roll or book:

The expression "polling agent" means an agent of the candidate appointed to attend at a polling station during the hours at which such polling station is open for receiving votes:

The expression "person" includes an association or body of persons, corporate or unincorporate, and where any act is done by any such association or body, the members of such association or body who have taken part in the commission of such act shall be liable to any fine or punishment imposed for the same by this Act:

The expression "committee room" shall not include any house or room occupied by a candidate at an election as a dwelling by reason only of the candidate there transacting business with his agents in relation to such election; nor shall any room or building be deemed to be a committee room for the purposes of this Act by reason only of the candidate or any agent of the candidate addressing therein electors, committee men, or others:

The expression "public office" means any office under the Crown or under the charter of a city or municipal borough, or under the Acts relating to municipal corporations or to the poor law, or under the Elementary Education Act, 1870, or under the Public Health Act, 1875, or under any Acts amending the above-mentioned Acts, or under any other Acts for the time being in force (whether passed before or after the commencement of this Act) relating to local government, whether the office is that of mayor, chairman, alderman, councillor, guardian, member of a board, commission, or other local authority in any county, city, borough, union, sanitary district, or other area, or is the office of clerk of the peace, town clerk, clerk or other officer under a council, board, vestry, commission, or other authority, or is any other office, to which a person is elected or appointed under any such charter or Act as above-mentioned, and includes any other municipal or parochial office; and the expressions "election," "election petition," "election court," and "register of electors," shall, where expressed to refer to an election for any such public office, be construed accordingly:

The expression "judicial office" includes the office of justice of the peace or returning officer:

The expression "personal expenses" as used with respect to the expenditure of any candidate in relation to any election, includes the reasonable travelling expenses of such candidate, the hire or rent of any premises where the candidate may temporarily reside, and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to such election:

The expression "indictment" includes information:

The expression "costs" includes costs, charges, and expenses:

The expression "payment" includes any pecuniary or other reward; and the expressions "pecuniary award" and "money" shall be deemed to include any office, place, or employment, and any valuable security or other equivalent for money, and any valuable consideration, and expressions referring to money shall be construed accordingly:

The expression "Licensing Acts" means the Licensing Acts, 1872 to 1874.

Short titles.

257.—(1.) The enactments described in this Act are in this Act referred to and may be cited respectively by the short titles in that behalf in the sections wherein mentioned.

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(2.) This Act may be cited as the Parliamentary Elections Act, 1895.

Repeal of Acts.

258. The Acts set forth in the Eleventh Schedule to this Act are hereby repealed as from the *commencement of this Act* to the extent in the third column of that schedule mentioned, provided that this repeal or the expiration of any enactment not continued by this Act shall not revive any enactment which at the commencement of this Act is repealed, and shall not affect anything duly done or suffered before the commencement of this Act, or any right acquired or accrued or any incapacity incurred before the commencement of this Act, and any person subject to any incapacity under any enactment hereby repealed or not continued shall continue subject thereto, and this Act shall apply to him as if he had become so subject in pursuance of the provisions of this Act.

Commencement of Act.

259. This Act shall come into operation on the day on which this Act shall have received the royal assent.

Application of Act to Scotland.

Application of Act to Scotland.

260. This Act shall apply to Scotland, with the following modifications:

(1.) The following expressions shall mean as follows:

The expression "misdemeanour" shall mean crime and offence:

The expression "indictment" shall include criminal letters:

The expression "solicitor" shall mean enrolled law agent:

The expression "revising barrister" shall mean sheriff:

The expression "barrister" shall mean advocate:

The expression "petty sessional court" shall mean sheriff court:

The expression "quarter sessions" shall mean the court of justiciary:

The expression "registration officer" shall mean an assessor under the enactments relating to the registration of parliamentary voters:

The expression "municipal borough" shall include royal burgh and burgh of regality and burgh of barony:

The expression "Acts relating to municipal corporations" shall include the General Police and Improvement (Scotland) Act, 1862, and any other Act relating to the constitution and government of burghs in Scotland:

The expression "mayor" shall mean provost or chief magistrate:

The expression "alderman" shall mean bailie:

The expression "Summary Jurisdiction Acts" shall mean the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Acts amending the same.

(2.) The provisions respecting the attendance at the trial of an election petition of a representative of the Director of Public Prosecutions shall not apply to Scotland, and in place thereof the following provisions shall have effect:

(*a.*) At the trial of every election petition in Scotland Her Majesty's Advocate shall be represented by one of his deputies or by the procurator-fiscal of the sheriff court of the district who shall attend such trial as part of his official duty, and shall give all necessary assistance to the judge with respect to the citation of witnesses and recovery of documents:

(*b.*) If the judge shall grant a warrant for the apprehension, commitment, or citation of any person suspected of being guilty of a corrupt or illegal practice, the case shall be reported to Her Majesty's Advocate in order that such person may be brought to trial before the High Court of Justiciary or the sheriff, according to the nature of the case:

(*c.*) It shall be the duty of the advocate depute, or, in his absence, the procurator-fiscal, if it appears to him that a corrupt or illegal practice within the meaning of this Act has been committed by any person who has not received a certificate of indemnity, to report the case to Her Majesty's advocate in order to such person being brought to trial before the proper court, although no warrant may have been issued by the judge.

(3.) The jurisdiction of the High Court of Justice under this Act shall in Scotland be exercised by one of the divisions of the Court of Session, or by a judge of the said court to whom the same may be remitted by such division, and subject to an appeal thereto, and the Court of Session shall have power to make Acts of sederunt for the purposes of this Act.

(4.) Court of oyer and terminer shall mean a circuit court of justiciary, and the High Court of Justiciary shall have powers to make acts of adjournal regulating the procedure in appeals to the circuit court under this Act.

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(5.) All offences under this Act punishable on summary conviction may be prosecuted in the sheriff court in manner provided by the Summary Jurisdiction Acts, and all necessary jurisdictions are hereby conferred on sheriffs.

(6.) The authority given by this Act to the Director of Public Prosecutions in England shall in Scotland be exercised by Her Majesty's Advocate, and the reference to the Prosecution of Offences Act, 1879, shall not apply.

(7.) The expression "Licensing Acts" shall mean the Public Houses Acts Amendment (Scotland) Act, 1862, and the Publicans' Certificates (Scotland) Act, 1876, and the Acts thereby amended and therein recited.

(8.) The expression "register of licenses" shall mean the register kept in pursuance of section twelve of the Act of the ninth year of the reign of King George the Fourth, chapter fifty-eight.

(9.) The references to the Public Health Act, 1875, and to the Elementary Education Act, 1870, shall be construed to refer to the Public Health (Scotland) Act, 1867, and to the Elementary Education (Scotland) Act, 1872.

(10.) The power given by this Act to the Lord Chancellor in England shall in Scotland, except so far as relates to the justices of the peace, be exercised by the Lord Justice General.

(11.) Any reference to the Attorney-General shall refer to the Lord Advocate.

(12.) The provisions with respect to the removal of cases to the Central Criminal Court or to the trial of cases at the Royal Courts of Justice shall not apply.

(13.) The provisions of this Act with regard to costs shall not apply to Scotland, and instead thereof the following provision shall have effect:

> The costs of petitions and other proceedings under this Act shall, subject to any regulations which the Court of Sessions may make by act of sederunt, be taxed as nearly as possible according to the same principles as costs between agent and client are taxed in a cause in that court, and the auditor shall not allow any costs, charges, or expenses on a higher scale.

Application of Act to Ireland. A.D. 1895.

Application of Act to Ireland.

261. This Act shall apply to Ireland, with the following modifications:

(1.) No person shall be tried for any offence against this Act under any of the provisions of the Prevention of Crime (Ireland) Act, 1882.

(2.) The expression "Summary Jurisdiction Acts" means, with reference to the Dublin Metropolitan Police District, the Acts regulating the powers and duties of justices of the peace and of the police in such district; and with reference to other parts of Ireland means the Petty Sessions (Ireland) Act, 1851, and any Acts amending the said Act.

(3.) The Supreme Court of Judicature in Ireland shall be substituted for the Supreme Court of Judicature.

(4.) The High Court of Justice in Ireland shall be substituted for the High Court of Justice in England.

(5.) The Lord High Chancellor of Ireland shall be substituted for the Lord High Chancellor of Great Britain.

(6.) The Attorney-General for Ireland shall be substituted for the Director of Public Prosecutions, and the reference to the prosecution of the Offences Act, 1879, shall not apply.

(7.) Any reference to the Licensing Acts shall be construed to refer to the Licensing Acts (Ireland), 1872–1874.

(8.) The Public Health (Ireland) Act, 1878, shall be substituted for the Public Health Act, 1875.

(9.) The provisions with respect to the removal of cases to the Central Criminal Court, or to the trial of cases at the Royal Courts of Justice, shall not apply to Ireland.

PART VII.

Parliaments to be elected every three years.

Triennial Parliaments.

262. From and after the *passing of this Act*, and from and after the dissolution of the present Parliament, a Parliament shall be elected every *three years*.

A.D. 1895.

Day of election to be the same throughout the United Kingdom.

263. The election, which in this Act shall mean the nomination, and if no more candidates are nominated than there are vacancies to be filled, the declaration of the election of the nominated person or persons shall, in the case of a general election, be on one and the same day throughout the United Kingdom.

Polling day to be the same throughout the United Kingdom.

264. The day of polling shall also be on one and the same day, in the case of a general election, throughout the United Kingdom.

Date of general election to be fixed by Lord Chancellor.

265. The date of such general election shall be fixed by the Lord Chancellor or other person, and shall be stated in the writ or writs to be issued for the election of members to serve in Parliament.

Interval between day of nomination and election to be uniform.

266. The interval between the day of nomination and the day of election shall be as stated in section one hundred and eighty-three of this Act, subject to the proviso therein made.

Regulation as to date of general election.

267. In the event of any intermediate general election, the statutory general election by this Act provided, shall be held within three years from the *first day of October* next ensuing, after such general election as aforesaid and thereafter except there shall be some other intermediary appeal to the constituencies, in which and every case this section shall apply.

Issue of writs, &c.

268. The sections of this Act with respect to the issue of writs and the return of writ of summons for an election shall in all cases apply, both in respect of the dates of nomination and election, and otherwise, in so far as they may and can apply, whether it be for a general election, or bye election in case of vacancy.

Provisions of other sections to apply.

269. In all other respects the several provisions of this Act shall apply and have effect in all matters pertaining to any election, whether such election be the statutory election, triennially, an intermediate election held before the expiration of the statutory term, or a bye election in case of any vacancy.

Statutory election to be held in October.

270. The statutory general election, to be elected triennially, shall be held during the month of *October*, on the dates mentioned in the writs issued by the Lord Chancellor.

Election to be on new register.

271. The election shall be held on the new register, to come into force on the *first day of October* in each year, as by this Act provided, for the year in which such general election shall take place.

Intermediate elections.

272. Nothing in this Act provided, or in pursuance thereof, shall prevent any appeal to the constituencies by the Government

with the assent and consent of Her Majesty, at any time during the triennial term before mentioned. A.D. 1895.

Provided that such appeal to the constituencies shall not take place in the same year in which by lapse of time the general election would otherwise have taken place, nor within *six months* of the election previously held. Proviso.

PART VIII.

PUBLIC HOUSES TO BE CLOSED ON DAY OF ELECTION.

273. On the day appointed for the polling in any parliamentary election, all premises licensed for the sale of intoxicating liquors by retail, to be consumed on the premises, and which are situate in the constituency in which such election takes place, shall be closed throughout the day, during and until the poll has closed. Closing of licensed premises on day of polling.

274. Any person who during the time at which premises for the sale of intoxicating liquors are directed to be closed by or in pursuance of this Act, sells or exposes for sale in such premises any intoxicating liquor, or opens or keeps open such premises for the sale of intoxicating liquors, or allows any intoxicating liquors to be consumed on the premises, except by his family, his servants, and himself; and any person licensed to sell any intoxicating liquors by retail under the Inland Revenue Acts or any other Act or Acts for consumption off the premises, who shall sell or deliver to any person any intoxicating liquors as aforesaid, shall be liable on a first conviction to a penalty not exceeding *five pounds*, and to have the same recorded on his licence. Penalty for opening for the sale of intoxicating liquors.

275. If any licensed person shall be convicted a second time under this Act his licence and the licence for such house or premises shall be thereby forfeited, and he shall be disqualified for a term of *five years* from the date of such second conviction from holding any licence. Effect of second conviction for violation of Act.

276. If any person be found on any licensed premises consuming, or who have been consuming intoxicating liquors as aforesaid during prohibited hours, he or they shall be deemed guilty of an offence under this Act, and shall be liable on summary conviction to a penalty of *forty shillings*, or in default to imprisonment for *seven days*. Persons found on licensed premises during prohibited hours guilty of offence.

277. Offences under this Act may be tried either before two ordinary justices of the peace or before one stipendiary magistrate. Mode of trying offences under Act.

A.D. 1895.

A defendant who considers himself to have been wrongfully convicted may appeal to the quarter sessions in accordance with the provisions of the Summary Jurisdiction Act, 1879, 42 & 43 Vict. c. 49., whereupon such conviction may be quashed, or the penalty may be reduced as to the quarter sessions may seem just.

Powers of constable under Act.

278. Any constable may, for the purpose of preventing or detecting the violation of this Act, at all times on the polling day enter on any licensed premises, and every person who, by himself or by any person in his employ or acting by his direction or with his consent, refuses or fails to admit any constable in the execution of his duty demanding to enter in pursuance of this section, shall be liable to a penalty not exceeding *ten pounds.*

Exceptions in favour of lodgers and railway travellers.

279. Nothing in this Act shall preclude a person licensed to sell any intoxicating liquor to be consumed on the premises from selling such liquor at any time to persons lodging in his house, nor shall anything in this Act contained be taken to preclude the sale at any time at any railway station of intoxicating liquors to persons actually arriving at or departing from such station by railway.

SCHEDULES to this Act.

A.D. 1895.

FIRST SCHEDULE.

FORM of OATH of ALLEGIANCE to be taken by Alien on becoming naturalised, 33 & 34 Vict. c. 14. s. 9.

I, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors according to law. So help me God.

In lieu of oath affirmation may be made, in accordance with any Act for the time being in force relating to affirmation in lieu of oath.

SECOND SCHEDULE.

a. *Form of Requisition by Registration Officer requiring Names of Residents.*

To *E. F.*

You are hereby required to fill up accurately the underwritten form:—

If this form is not returned to the registration officer at his official place of business, accurately filled up within fourteen days after the service hereof, you will be liable under the Parliamentary Elections Act, 1895, to a penalty not exceeding forty shillings, and you may be ordered to pay any costs incurred by any person whose name is omitted from this return in making or sustaining a claim to be registered as a parliamentary voter.

Dated this day of 18 .

A. B.,
C. D.,
Registration officer for the constituency of

A.D. 1895.

FORM OF RETURN.

1.	2.
House in respect of which the Person making the Return is rated (or liable to be rated, or occupier).	Surname and other name of every man who had on the last during the whole of three months being resident in the house specified in the first column, or in any part thereof.

I declare that the above is a true and complete return.

(Signed) *E. F.*

Dated this day of 18 .

This form is to be substituted for Form A. in the Second and Third Schedules to the Registration Act, 1885.

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b. *Form of Claim to be on Register.*

To the registration officer for the county, borough, or division of the county or borough of .

I, of

hereby declare that I am 21 years of age, and have resided in this division for three calendar months, and do hereby claim to be placed on the list of registered voters for the division of .

Signature of claimant

Date 18 .

I have witnessed the signature of the above claimant, and believe the claim to be correct.

Signature of witness

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c. *Form of Objection to Voter.*

To be sent to the person objected to by the overseer or returning officer.

Exception having been taken by Mr. of to your being on the list of registered electors for the of , you are hereby requested to attend before me [*or*] on at [*time*] to substantiate your claim. It is necessary that you should bring with you the attesting witness to your claim, or failing him, some other reliable witness who of his own knowledge can bear witness to your qualification.

Signed .

Dated 18 .

THIRD SCHEDULE.

A.D. 1895.

The register of voters entitled to vote in the election of a member or members for (the description of each constituency to be inserted).

Form A. or Form B. are to be used according to the circumstances.

FORM A.

First or other number. } Polling District.

Second or other number. } Ward.

No. for Reference.	Street, Square, Lane, or other Place in which Houses are distinguished by Number to be stated in Alphabetical Order, at which Voter has resided for Three Months prior to 24th June.	Surname and Christian Name.	Occupation to be added for identity, if necessary.	District to identify Locality, &c.
1	1, Alfred Street -	Fawcett, John Thomas -		Tottenham Court Road, W.C.
		Dickens, Charles -		,,
2	2, ,, ,, -	Cobden, Richard - -		,,
3	1, Fenwick Street -	Hallam, Henry - -		Mile End, E.
4	2, ,, ,, -	Browning, Thomas -		,,
5	3, ,, ,, -	Elliot, George - -		,,

(Signed) *A. B.*,
Registration officer for the Division of

In the official register of voters the number for reference will be omitted, and the serial register number will be inserted against each name according to the provisions of the Act, and such serial number will be the number on the official register of each voter.

A.D. 1895.

FORM B.

First or other number. } Polling District.

Second or other number. } Ward.

Number of Reference.	Surname and Christian Name of the Voter to be inserted Alphabetically.	Residence where Voter has resided for three months prior to 24th June.	Occupation to be added if necessary, for identity.	District to identify Locality.
1	Arnold, Mathew -	Johnson Park -		Eastwell, Kent.
2	Dickens, Charles -	Sutton Park -		Coombe, Kent.

(Signed) *A. B.*
Registration officer for the constituency of

In the official register of voters the number for reference will be omitted, and the serial register number will be inserted against each name according to the provisions of the Act, and such serial number will be the number on the official register of each voter.

FOURTH SCHEDULE.

FORM OF REMOVAL CARD.

To all whom it may concern.

This is to certify that now on the list of registered electors for the of and numbered on the said list, having made the statutory declaration that he is the person herein described, and being desirous, in consequence of removal to some other electoral division, to qualify as a registered elector in such division, is entitled to qualify as an elector upon depositing this card in accordance with section 30 of this Act.

Dated 18 . (Seal.)

Signed Returning Officer.

Form of Declaration.

I do solemnly declare that I am the whose name is given in the list of registered electors for the of and numbered on the said list, and that, being about to remove (or having removed) from I desire to have a removal card for the purpose of voting in another electoral division during the continuance of the register now in force.

Dated 18 . Signed .

Attested by .

FIFTH SCHEDULE.

Form of Official Envelope.

a. *Front side of Envelope.*

Registered Number 1,234	*Prepaid* Registered Letter.

To

[Mr. William Abraham],

Elector.

Election.	*Address.*
Bethnal Green (North East Division), 1887.	(No. 34, Alfred Place, Victoria Park, E.).

In the official envelope supplied, name and address in the brackets to be omitted.

b. *Back of Envelope.*

To be delivered at the residence of the registered elector's name in address.

V.R.

Envelope to be preserved as evidence of delivery, or for verification should occasion for inquiry arise.

Any use or imitation of this envelope for election purposes otherwise than as provided in this Act to be an illegal practice.

SIXTH SCHEDULE.

FORM OF POLLING CARD.

(Official Stamp.)

To John Jones,
23, Wilson Street, Hackney Road, E.

No. on Register. 1,234.

Bethnal Green.
North East Division.
Date of election, October 10th, 1887.
Polling station, Bonner Lane schoolroom.
Hours of poll, between 8 a.m. and 9 p.m.

Candidates.

1. Darwin, Charles.
2. Hampden, John.
3. Huxley, Thomas Henry.
4. Milton, John.
5. Shakespeare, William.

N.B.—You can only vote for one of the candidates, thus ×.

SEVENTH SCHEDULE.

PART I.

RULES FOR PARLIAMENTARY ELECTIONS.

Regulations for Elections.

1. The returning officer shall, in the case of an election, on the day on which he receives the writ or the following day, give public notice, between the hours of nine in the morning and four in the afternoon, of the day on

which and the place at which he will proceed to, and of the time appointed for the election, and of the day on which the poll will be taken in case the election is contested, and of the time and place at which forms of nomination papers may be obtained, and shall send one of such notices by post, under cover, to the postmaster of the principal post office of each polling place in the county, endorsed with the words "Notice of election," and the same shall be forwarded free of charge; and the postmaster receiving the same shall forthwith publish or cause to be published such notice at all post offices in the division in the manner in which post office notices are usually published.

2. The day of election shall be fixed by the Lord Chancellor as follows; that is to say, in the case of an election for a county or borough or division of county or borough, not earlier than the tenth day after the date of issue of writ, as the day of nomination, and for the polling the sixth or seventh day after the day of nomination as may be fixed in the writ issued as aforesaid.

3. The place of election shall be a convenient room situate in the town in which such election would have been held if this Act had not passed, or where the election would not have been held in a town, then situate in such town in the county as the returning officer may from time to time determine as being in his opinion most convenient for the electors.

4. The time appointed for the nomination and, should there be no opposition, the election shall be between the hours of eleven o'clock in the forenoon and one o'clock afternoon and the returning officer shall attend during those two hours to receive any nomination legally tendered in pursuance of this Act.

5. Each candidate shall be nominated by a separate nomination paper.

6. Each candidate shall be described in the nomination paper in such manner as in the opinion of the returning officer is calculated to sufficiently identify such candidate; the description shall include his names, his abode, and his rank, profession, or calling, and his surname shall come first in the list of his names. No objection to a nomination paper on the ground of the description of the candidaie therein being insufficient, or not being in compliance with this rule, shall be allowed or deemed valid, unless such objection is made by the returning officer, or by some other person, and admitted valid by the returning officer at or immediately after the time of the delivery of the nomination paper.

7. The returning officer shall supply a form of nomination paper to any registered elector requiring the same during such two hours as the returning officer may fix, between the hours of ten in the morning and two in the afternoon on each day intervening between the day on which notice of the election was given and the day of election, and during the time appointed for the election; but nothing in this Act shall render obligatory the use of a nomination paper supplied by the returning officer, so, however, that the paper be in the form prescribed by this Act.

8. The nomination papers shall be delivered to the returning officer at the place of election during the time appointed for the election; and the candidate nominated by each nomination paper, and his proposer and seconder, and one other person selected by the candidate, and no person other than aforesaid,

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shall, except for the purpose of assisting the returning officer, be entitled to attend the proceedings during the time appointed for the election.

9. If the election is contested the returning officer shall, as soon as practicable after adjourning the election, give public notice of the day on which the poll will be taken, as specified in the writ, and of the candidates described as in their respective nomination papers, and of the names of the persons who subscribe the nomination paper of each candidate, and of the order in which the names of the candidates will be printed in the ballot paper, and, in the case of an election, deliver to the postmaster of the principal post office of the town in which is situate the place of election a paper, signed by himself, containing the names of the candidates nominated, and stating the day on which the poll is to be taken, and the postmaster shall forward the information contained in such paper by telegraph, free of charge, to the several postal telegraph offices situate in the division for which the election is to be held, and such information shall be published forthwith at each such office in the manner in which post office notices are usually published.

10. If any candidate nominated during the time appointed for the election is withdrawn in pursuance of this Act, the returning officer shall give public notice of the name of such candidate, and the names of the persons who subscribed the nomination paper of such candidate, as well as of the candidates who stood nominated or were elected.

11. The returning officer shall, on the nomination paper being delivered to him, forthwith publish notice of the name of the person nominated as a candidate, and of the names of his proposer and seconder, by placarding or causing to be placarded the names of the candidate and his proposer and seconder in a conspicuous position outside the building in which the room is situate appointed for the election and elsewhere in the division.

12. A person shall not be entitled to have his name inserted in any ballot paper as a candidate unless he has been nominated in manner provided by this Act, and every person whose nomination paper has been delivered to the returning officer during the time appointed for the election shall be deemed to have been nominated in manner provided by this Act, unless objection be made to his nomination paper by the returning officer before the expiration of the time appointed for the election.

13. The returning officer shall decide on the validity of every objection made to a nomination paper, and his decision, if disallowing the objection, shall be final; but if allowing the same, shall be subject to reversal on petition questioning the election or return.

The Poll.

14. The poll shall take place on the day appointed in the writ of election.

15. At every polling place the returning officer shall provide a sufficient number of polling stations for the accommodation of the electors entitled to vote at such polling place, and shall distribute the polling stations amongst those electors in such manner as he thinks most convenient, provided that in a county or district borough there shall be at least one polling station at each contributory place of such county or borough.

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16. Each polling station shall be furnished with such number of compartments, in which the voters can mark their votes screened from observation, as the returning officer thinks necessary, so that at least one compartment be provided for every one hundred and fifty electors entitled to vote at such polling station.

17. A separate room or separate booth may contain a separate polling station, or several polling stations may be constructed in the same room or booth.

18. No person shall be admitted to vote at any polling station except the one allotted to him.

19. The returning officer shall give public notice of the situation of polling stations and the description of voters entitled to vote at each station, and of the mode in which electors are to vote, and the names of candidates, as in this Act provided.

20. The returning officer shall provide each polling station with materials for voters to mark the ballot papers, with instruments for stamping thereon the official mark, and with copies of the register of voters, or such part thereof as contains the names of the voters allotted to vote at such station. He shall keep the official mark secret, and an interval of not less than seven years shall intervene between the use of the same official mark at elections for the same county or borough or division of a county or borough.

21. The returning officer shall appoint a presiding officer to preside at each station, and the officer so appointed shall keep order at his station, shall regulate the number of electors to be admitted at a time, and shall exclude all other persons except the clerks, the candidates, the agents of the candidates, and the constables on duty.

22. Every ballot paper shall contain a list of the candidates described as in their respective nomination papers, and arranged alphabetically in the order of their surnames, and (if there are two or more candidates with the same surname) of their other names; it shall be in the form set forth in the Eighth Schedule to this Act or as near thereto as circumstances admit, and shall be capable of being folded up.

23. Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The presiding officer at any polling station, just before the commencement of the poll, shall show the ballot box empty to such persons, if any, as may be present in such station, so that they may see that it is empty, and shall then lock it up, and place his seal upon it, in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

24. Immediately before a ballot paper is delivered to an elector, it shall be marked on both sides with the official mark, either stamped or perforated, and the number, name, and description of the elector as stated in the copy of the register shall be called out, and the number of such elector shall be marked on the counterfoil, and a mark shall be placed in the register against the

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number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

25. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station, and there mark his paper, and fold it up so as to conceal his vote, and shall then put his ballot paper, so folded up, into the ballot box ; he shall vote without undue delay, and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

26. The presiding officer, on the application of any voter who is incapacitated by blindness or other physical cause from voting in manner prescribed by this Act, or (if the poll be taken on the Jewish Sabbath or festival) of any voter who declares that he is of the Jewish persuasion, and objects on religious grounds to vote in manner prescribed by this Act, or of any voter who makes such a declaration as herein-after mentioned that he is unable to read, shall, in the presence of the agents of the candidates, cause the vote of such voter to be marked on a ballot paper in manner directed by such voter, and the ballot paper to be placed in the ballot box, and the name and number on the register of voters of every voter whose vote is marked in pursuance of this rule, and the reason why it so marked, shall be entered on a list, in this Act called "the list of votes marked by the presiding officer."

The said declaration, in this Act referred to as "the declaration of inability to read," shall be made by the voter at the time of polling, before the presiding officer, who shall attest it in the form herein-after mentioned, and no fee, stamp, or other payment shall be charged in respect of such declaration, and the said declaration shall be given to the presiding officer at the time of voting.

27. If a person, representing himself to be a particular elector named on the register, applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly answering the questions and taking the oath permitted by law to be asked of and to be administered to voters at the time of polling, be entitled, if he thinks fit, to mark a ballot paper in the same manner as any other voter, but the ballot paper (in this Act called a tendered ballot paper) shall be of a colour differing from the other ballot paper, and, instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of voters, and set aside in a separate packet, and shall not be counted by the returning officer. And the name of the voter and his number on the register shall be entered on a list, in this Act called the tendered votes list.

28. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the presiding officer obtain another ballot paper in the place of the ballot paper so delivered up (in this Act called a spoilt ballot paper), and the spoilt ballot paper shall be immediately cancelled.

29. The presiding officer of each station, as soon as practicable after the close of the poll, shall, in the presence of the agents of the candidates, make up

into separate packets sealed with his own seal and the seals of such agents of the candidates as desire to affix their seals,— A.D. 1895.

(1.) Each ballot box in use at his station, unopened but with the key attached; and

(2.) The unused and spoilt ballot papers, placed together; and

(3.) The tendered ballot papers; and

(4.) The marked copies of the register of voters, and the counterfoils of the ballot papers; and

(5.) The tendered votes list, and the list of votes marked by the presiding officer, and a statement of the number of the voters whose votes are so marked by the presiding officer under the heads "physical incapacity," "Jews," and "unable to read," and the declarations of inability to read;

and shall deliver such packets to the returning officer.

30. The packets shall be accompanied by a statement made by such presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt, and tendered ballot papers, which statement is in this Act referred to as the ballot paper account.

Counting Votes.

31. The candidates may respectively appoint agents to attend the counting of the votes, and they may themselves be present at such counting.

32. The returning officer shall make arrangements for counting the votes in the presence of the agents of the candidates as soon as practicable after the close of the poll, and shall give to the agents of the candidates appointed to attend at the counting of the votes notice in writing of the time and place at which he will begin to count the same.

33. The returning officer, his assistants and clerks, and the candidates and agents of the candidates, and no other person, except with the sanction of the returning officer, may be present at the counting of the votes.

34. Before the returning officer proceeds to count the votes, he shall, in the presence of the agents of the candidates, open each ballot box, and, taking out the papers therein, shall count and record the number thereof, and then mix together the whole of the ballot papers contained in the ballot boxes. The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the backs of such papers.

35. The returning officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time if need be for refreshment, and excluding (except so far as he and the agents otherwise agree) the hours between nine o'clock at night and nine o'clock on the succeeding morning. During the excluded time the returning officer shall place the ballot papers and other documents relating to the election under his own seal and the seals of such of the agents of the candidates as desire to affix their seals, and shall otherwise take proper precautions for the security of such papers and documents.

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36. The returning officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement "rejection objected to," if an objection be in fact made by any agent to his decision. The returning officer shall report to the Clerk of the Crown in Chancery the number of ballot papers rejected and not counted by him under the several heads of—

1. Want of official mark;
2. Voting for more candidates than entitled to;
3. Writing or mark by which voter could be identified;
4. Unmarked or void for uncertainty;

and shall on request allow any agents of the candidates, before such report is sent, to copy it.

37. Upon the completion of the counting, the returning officer shall seal up in separate packets the counted and rejected ballot papers. He shall not open the sealed packet of tendered ballot papers or marked copy of the register of voters and counterfoils, but shall proceed, in the presence of the agents of the candidates, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded by him as aforesaid, and the unused and spoilt ballot papers in his possession and the tendered votes list, and shall reseal each sealed packet after examination. The returning officer shall report to the Clerk of the Crown in Chancery the result of such verification, and shall, on request, allow any agents of the candidates, before such report is sent, to copy it.

38. Lastly, the returning officer shall forward to the Clerk of the Crown in Chancery (in manner in which the poll books are by any existing enactment required to be forwarded to such clerk, or as near thereto as circumstances admit) all the packets of ballot papers in his possession, together with the said reports, the ballot paper accounts, tendered votes lists, lists of votes marked by the presiding officer, statements relating thereto, declarations of inability to read, and packets of counterfoils, and marked copies of registers, sent by each presiding officer, endorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the county or borough for which such election was held; and the term poll book in any such enactment shall be construed to include any document forwarded in pursuance of this rule.

39. The Clerk of the Crown shall retain for a year all documents relating to an election forwarded to him in pursuance of this Act by a returning officer, and then, unless otherwise directed by an order of the House of Commons, or of one of Her Majesty's Superior Courts, shall cause them to be destroyed.

40. No person shall be allowed to inspect any rejected ballot papers in the custody of the Clerk of the Crown in Chancery, except under the order of the House of Commons or under the order of one of Her Majesty's Superior Courts, to be granted by such court on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place, and mode

of inspection or production as the House or court making the same may think expedient, and shall be obeyed by the Clerk of the Crown in Chancery. Any power given to a court by this rule may be exercised by any judge of such court at chambers.

41. No person shall, except by order of the House of Commons or any tribunal having cognizance of petitions complaining of undue returns or undue elections, open the sealed packet of counterfoils after the same has been once sealed up, or be allowed to inspect any counted ballot papers in the custody of the Clerk of the Crown in Chancery; such order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the House or tribunal making the order may think expedient; provided that on making and carrying into effect any such order, care shall be taken that the mode in which any particular elector has voted shall not be discovered until he has been proved to have voted, and his vote has been declared by a competent court to be invalid.

42. All documents forwarded by a returning officer in pursuance of this Act to the Clerk of the Crown in Chancery, other than ballot papers and counterfoils, shall be open to public inspection at such time and under such regulations as may be prescribed by the Clerk of the Crown in Chancery, with the consent of the Speaker of the House of Commons, and the Clerk of the Crown shall supply copies of or extracts from the said documents to any person demanding the same, on payment of such fees and subject to such regulations as may be sanctioned by the Treasury.

43. Where an order is made for the production by the Clerk of the Crown in Chancery of any document in his possession relating to any specified election, the production by such clerk or his agent of the document ordered, in such manner as may be directed by such order, or by a rule of the court having power to make such order, shall be conclusive evidence that such document relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by such Clerk of the Crown or his agent shall be evidence of such papers being what they are stated to be by the endorsement. The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked thereon in writing, shall be primâ facie evidence that the person who voted by such ballot paper was the person who at the time of such election had affixed to his name in the register of voters at such election the same number as the number written on such counterfoil.

General Provisions.

44. The return of a member or members elected to serve in Parliament for any county or borough shall be made by a certificate of the names of such member or members under the hand of the returning officer endorsed on the writ of election for such county or borough, and such certificate shall have effect and be dealt with in like manner as the return under the existing law, and the returning officer may, if he think fit, deliver the writ, with such certificate endorsed to the postmaster of the principal post office of the place

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of election, or his deputy, and in that case he shall take a receipt from the postmaster or his deputy for the same; and such postmaster or his deputy shall then forward the same by the first post, free of charge, under cover, to the Clerk of the Crown, with the words "Election Writ and Return" endorsed thereon.

45. The returning officer shall, as soon as possible, give public notice of the names of the candidates elected, and, in the case of a contested election, of the total number of votes given for each candidate, whether elected or not.

46. Where the returning officer is required or authorised by this Act to give any public notice, he shall carry such requirement into effect by advertisements, placards, handbills, or such other means as he thinks best calculated to afford the fullest information to the electors.

47. The returning officer may, if he think fit, preside at any polling station, and the provisions of this Act relating to a presiding officer shall apply to such returning officer with the necessary modifications as to things to be done by the returning officer to the presiding officer, or the presiding officer to the returning officer.

48. In the case of a contested election for any county or borough, the returning officer may, in addition to any clerks, appoint competent persons to assist him in counting the votes.

49. No person shall be appointed by a returning officer for the purposes of an election who has been employed by any other person in or about the election.

50. The presiding officer may do, by the clerks appointed to assist him, any act which he is required or authorised to do by this Act at a polling station except ordering the arrest, exclusion, or ejection from the polling station of any person.

51. A candidate may himself undertake the duties which any agent of his if appointed might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may, in pursuance of this Act, attend.

52. The name and address of every agent of a candidate appointed to attend the counting of the votes shall be transmitted to the returning officer one clear day at the least before the opening of the poll; and the returning officer may refuse to admit to the place where the votes are counted any agent whose name and address has not been so transmitted, notwithstanding that his appointment may be otherwise valid, and any notice required to be given to an agent by the returning officer may be delivered at or sent by post to such address.

53. If any person appointed an agent by a candidate for the purposes of attending at the polling station or at the counting of the votes dies, or becomes incapable of acting during the time of the election, the candidate may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent so appointed.

54. Every returning officer, and every officer, clerk, or agent authorised to attend at a polling station, or at the counting of the votes shall, before the opening of the poll, make a statutory declaration of secrecy, in the presence, if he is the returning officer, of a justice of the peace, and if he is any other

officer or an agent, of a justice of the peace or of the returning officer; but no such returning officer, officer, clerk, or agent as aforesaid shall, save as aforesaid, be required, as such, to make any declaration or take any oath on the occasion of any election. A.D. 1895.

55. Where in this Act any expressions are used requiring or authorising or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorised to attend, and as have in fact attended, at the time and place where such act or thing is being done, and the non-attendance of any agents or agent at such time and place shall not, if such act or thing be otherwise duly done, in anywise invalidate the act or thing done.

56. In reckoning time for the purposes of this Act, Sunday, Christmas Day, Good Friday, and any day set apart for a public fast or public thanksgiving, shall be excluded; and where anything is required by this Act to be done on any day which falls on the above-mentioned days such thing may be done on the next day, unless it is one of the days excluded as above mentioned.

57. In this Act—

The expression "division" or "electoral division" means any county, borough, or division of a county or borough, in any and every part of the United Kingdom; and

The expression "polling place" or "polling station" means the place in any county or borough, or division of a county or borough, or any part thereof in which a separate booth is required or authorised by law to be provided; and

The expression "agents of the candidates," used in relation to a polling station, means agents appointed in pursuance of this Act.

PART II.

Modifications in Application of Part One of Schedule to Scotland.

58. In Scotland, the place of election shall be a convenient room situate in the town in which the writ for the election would, if this Act had not passed, have been proclaimed.

59. In Scotland, the candidates may respectively appoint agents to attend at the polling stations. The ballot papers and other documents other than the return required to be sent to and kept by the Clerk of the Crown in Chancery shall, in Scotland, be kept by the sheriff clerks of the respective counties in which the returns (including those for burghs) are made, and the provisions of this schedule relating thereto shall be construed as if the sheriff clerk were substituted for Clerk of the Crown in Chancery.

60. In Scotland, the term "division" shall mean and include the combined burghs and towns specified in Schedule E. of the Act of the session of the second and third years of the reign of King William the Fourth, chapter sixty-five, intituled "An Act to amend the Representation of the People in Scotland;" and in Schedule A. of the Representation of the People (Scotland) Act. 31 & 32 Vict. c. 48.

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Modifications in Application of Part One of Schedule to Ireland.

61. The expression "Clerk of the Crown in Chancery" in this schedule shall mean, as regards Ireland, "the Clerk of the Crown and Hanaper in Ireland."

62. A presiding officer at a polling station in Ireland need not be a freeholder of the county.

As to Votes at Elections for the Universities by means of Voting Papers.

Electors to vote by means of voting papers.

63. It shall be lawful for electors at elections for burgesses to serve in Parliament for the universities in this Act mentioned in lieu of attending to vote in person, to nominate any other elector or electors of the same university, competent to make the declaration herein-after mentioned, to deliver for them at the poll voting papers containing their votes. Every such voting paper shall bear date subsequently to the date of the writ for any election of a member to serve in Parliament for such university, and shall contain the surname, name, or names of and sufficient description of the candidate or candidates thereby voted for, and the surname, name, or names of and sufficient description of the elector or electors authorised on behalf of the voter to tender such voting paper at the poll, and shall be according to the effect prescribed in the form appended to these regulations. Such voting paper, the aforesaid date and names being previously filled in, shall, on any day subsequent to the date of the said writ, any person now by law authorised to administer oaths who shall certify and attest the fact of such voting paper having been so signed in his presence, by signing at the foot thereof a certificate or attestation in the form or to the effect prescribed in the said form, with his name and usual address.

Voting papers to be read, and votes recorded.

64. The voting paper, signed and certified as aforesaid, after the same has been offered for inspection to any person entitled to object to such votes and who may have demanded to inspect the same, may be delivered to the vice chancellor of the university for which the election is held, or to any pro vice chancellor appointed by him, or, in the case of the University of Dublin, to the Provost of Trinity College, or to any person lawfully deputed to act for him, at any one of the appointed polling places, during the appointed hours of polling, by any one of the persons therein nominated in that behalf, who shall, on tendering such voting paper at the poll, read out the name of the voter subscribing such paper, and the said vice chancellor, pro vice chancellor, provost, or deputy shall receive the voting papers as the same shall be delivered, and shall cause the votes thereby given, or such of them as may not appear to be contrary to the provisions of this Act, to be recorded in the manner heretofore used, in all respects as if such votes had been given by the electors attending in person; and all votes so recorded shall have the same validity and effect as if they had been duly given by the voters in person: Provided always, that no person shall be entitled to vote by more than one voting paper at any election, and that no voting paper containing the names of more candidates than there are burgesses to be elected at such elections shall be received or recorded: Provided also, that no voting paper shall be received or recorded unless the person tendering the same shall make the following declaration, which he shall sign at the foot or back thereof:

"I solemnly declare, that I verily believe that this is the paper by which he "intends to vote pursuant to the provisions of the Universities Elections Act, "1861, and Parliamentary Elections Act, 1895." A.D. 1895.

Provided also, that no voting paper shall be so received and recorded if the voter signing the same shall have already voted in person at the same election: Provided also, that every such elector shall be entitled to vote in person, notwithstanding that he has duly signed and transmitted a voting paper to another elector, if such voting paper has not been already tendered at the poll.

Form of Voting Paper for University Voters.

University Election, 18 .

I *A.B.* [*Surname of the elector in full and Christian name or initial, his college or hall, if any, and his degree or academical rank or office, if any, to be here inserted*], do hereby declare, that I have signed no other voting paper at this election, and do hereby give my vote at this election for

And I nominate - - *C.D.*
E.F.
G.H.

or one of them, to deliver this voting paper at the poll.

Witness my hand this day of 18 .

(Signed) *A.B.* of [*the elector's place of residence to be here inserted*].

Signed in my presence by the said *A.B.*, to me, on the above-mentioned day of 18 , the name [*or* names] of as the candidate [*or* candidates] voted for having been previously filled in.

(Signed) *Z.M.* of [*the witness's place of residence to be here inserted,*]

[a person authorised by law to administer oaths.]

Part III.

Rules for Municipal Elections.

65. In the application of the provisions of this schedule to municipal elections, the following modifications shall be made:—

(*a.*) The expression "register of voters" means the burgess roll of the burgesses of the borough, or, in the case of an election for the ward of a borough, the ward list; and the mayor shall provide true copies of such register for each polling station:

(*b.*) All ballot papers and other documents which, in the case of a parliamentary election, are forwarded to the Clerk of the Crown in Chancery shall be delivered to the town clerk of the municipal borough in which the election is held, and shall be kept by him among the records of the borough: and the provisions of part one of this schedule with respect to the inspection, production, and destruction of such ballot papers and documents, and to the copies of such documents, shall apply respectively

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to the ballot papers and documents so in the custody of the town clerk, with these modifications; namely,

(*a.*) Any order of the county court having jurisdiction in the borough, or any part thereof, or of any tribunal in which a municipal election is questioned, shall be substituted for an order of the House of Commons, or of one of Her Majesty's Superior Courts; but an appeal from such county court may be had in like manner as in other cases in such county court;

(*b.*) The regulations for the inspection of documents and the fees for the supply of copies of documents of which copies are directed to be supplied, shall be prescribed by the council of the borough with the consent of one of Her Majesty's Principal Secretaries of State; and subject as aforesaid, the town clerk, in respect of the custody and destruction of the ballot papers and other documents coming into his possession in pursuance of this Act, shall be subject to the directions of the council of the borough:

(*c.*) Nothing in this schedule with respect to the day of the poll shall apply to a municipal election.

PART IV.

Modifications in Application of Part II. of Schedule to Scotland.

66. In part two of this schedule as applying to Scotland—

The expression "register of voters" means the register, list, or roll of persons entitled to vote in a municipal election made up according to the law for the time being in force.

The expression "county court" means the sheriff court.

The expression "town clerk" includes the clerk appointed by the Commissioners of Police under the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter thirty-three, intituled "An Act to make more effectual provision for regulating the "police of towns and populous places in Scotland, and for paving, "draining, cleansing, lighting, and improving the same," and of the General Police and Improvement (Scotland) Act, 1862.

Modifications in Application of Part III. of Schedule to Ireland.

67. In part two of this schedule as applying to Ireland—

The expression "register of voters," in addition to the meaning specified in such part, means, in relation to any municipal borough subject to the provisions of a local Act requiring an annual revision of the lists of voters at municipal elections, the register of voters made in conformity with the said provisions of such local Act, and in relation to municipal boroughs to which Part II. of the Local Government (Ireland) Act, 1871, applies, the list to be made under the provisions of section twenty-seven of the said Act, and in relation to other municipal boroughs a list which the town clerk of every municipal borough is hereby authorised and directed to make, in like manner in every respect as if the provisions of the said section were applicable to and in force within such municipal borough.

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The expression "county court" means the Civil Bill Court.

The expression "town clerk" includes clerk to the commissioners, municipal commissioners, town commissioners, or township commissioners of any municipal borough, and any person executing the duties of such town clerk.

The expression "council of the borough" includes commissioners, municipal commissioners, and town commissioners of the town, and township commissioners of the township.

The expression "one of Her Majesty's Principal Secretaries of State" means the Chief Secretary of the Lord Lieutenant of Ireland.

EIGHTH SCHEDULE.

Note.—The forms contained in this schedule, or forms as nearly resembling the same as circumstances will admit, shall be used in all cases to which they refer and are applicable, and when so used shall be sufficient in law.

Writ for a County or Borough at a Parliamentary Election.

*Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to the † of the county [*or* borough] of , greeting:

‡ Whereas by the advice of our Council we have ordered a Parliament to be holden at Westminster on the day of next. We command you that, the time and place of election herein stated being first duly given, namely on the day of 18 you do cause election to be made according to law of members [*or* a member] to serve in Parliament for the said county [*or* the division of the said county, *or* the borough, *or as the case may be*] of § and that you do cause the names of such members [*or* member] when so elected, whether they [*or* he] be present or absent, to be certified to us, in our Chancery, without delay.

Witness ourself at Westminster, the day of in the year of our reign, and in the year of our Lord 18 .

* *The name of the Sovereign may be altered when necessary.*

† *Insert "sheriff" or other returning officer.*

‡ *This preamble to be omitted except in case of a general election.*

§ *Except in a general election, insert here* in the place of A.B. deceased, *or otherwise, stating the cause of vacancy.*

Label or direction of Writ.

To the † of .

A writ of a new election of members [*or* member] for the said county [*or* division of a county *or* borough, *or as the case may be*].

Endorsement.

Received the within writ on the day of 18 .

(Signed) *A.B.*,

High Sheriff [*or* Sheriff, *or* Mayor, *or as the case may be*].

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Certificate endorsed on the Writ.

I hereby certify, that the members [*or* member] elected for in pursuance of the within-written writ, are [*or* is] *A.B.*, of in the county of and *C.D.*, of in the county of .

(Signed) *A.B.*,
High Sheriff [*or* Sheriff, *or* Mayor, *or as the case may be*].

Note.—A separate writ will be issued for each county as defined for the purposes of a parliamentary election.

Form of Notice of Parliamentary Election.

The returning officer of the of will, on the day of now next ensuing, between the hours of and , proceed to the nomination, and, if there is no opposition, to the election, of a member [*or* members] for the said county [*or* division of a county *or* borough] at the*

* *Note.* Insert description of place and room.

Forms of nomination paper may be obtained at *, between the hours of and on .

Every nomination paper must be signed by two registered electors as proposer and seconder, and by eight other registered electors as assenting to the nomination.

Every nomination paper must be delivered to the returning officer by the candidate proposed, or by his proposer and seconder, between the said hours of and on the said day of at the said *.

Each candidate nominated, and his proposer and seconder, and one other person selected by the candidate, and no other persons, are entitled to be admitted to the room.

In the event of the election being contested, the poll will take place on the day of .

(Signed) *A.B.*,
Sheriff [*or* Mayor, *or as the case may be*].
day of 18 .

Take notice, that all persons who are guilty of bribery, treating, undue influence, personation, or other corrupt practices or any illegal practice at the said election will, on conviction of such offence, be liable to the penalties mentioned in that behalf in this Act.

Form of Nomination Paper in Parliamentary Election.

We, the undersigned *A.B.* of in the of and *C.D.* of in the of being electors for the of do

hereby nominate the following person as a proper person to serve as member for the said in Parliament: A.D. 1895.

Surname.	Other Names.	Abode.	Rank, Profession, or Occupation.
BROWN	John - -	52, George St., Bristol	Merchant.
JONES	*or* William David -	High Elms, Wilts -	Esquire.
MERTON	*or* Hon. George Travis, commonly called Viscount.	Swanworth, Berks -	Viscount.
SMITH	*or* Henry Sydney -	72, High St., Bath -	Attorney.

(Signed) *A.B.*
C.D.

We, the undersigned, being registered electors of the do hereby assent to the nomination of the above-mentioned *John Brown* as a proper person to serve as member for the said in Parliament.

(Signed) *E.F.* of
G.H. of
I.J. of
K.L. of
M.N. of
O.P. of
Q.R. of
S.T. of

Note.—Where a candidate is an Irish peer, or is commonly known by some title, he may be described by his title as if it were his surname.

Form of Nomination Paper in Municipal Election.

Note.—The form of nomination paper in a municipal election shall as nearly as circumstances admit be the same as in the case of a parliamentary election.

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Form of Ballot Paper.

[Form of Front of Ballot Paper.]

Counterfoil No.

NOTE *The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.*

DARWIN (Charles Darwin, of 52, St. George's Square, London, author.)	
HAMPDEN (John Hampden, of High Elms, Wilts, Esq.)	
MERTON (Hon. George Travis, commonly called Viscount Merton, of Swanworth, Berks.)	
SMITH (Sydney Smith, of 72, High Street, Bath, barrister-at-law.)	

[Form of Back of Ballot Paper.]

No.

Election for county [*or* borough, *or* ward].

18 .

Note.—The number on the ballot paper is to correspond with that in the counterfoil.

Directions as to printing Ballot Paper.

Nothing is to be printed on the ballot paper except in accordance with this schedule.

The surname of each candidate, and if there are two or more candidates of the same surname, also the other names of such candidates, shall be printed in large characters, as shown in the form, and the names, addresses, and descriptions, and the number on the back of the paper, shall be printed in small characters.

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Form of Directions for the Guidance of the Voter in voting, which shall be printed in conspicuous Characters, and placarded outside every Polling Station and in every Compartment of every Polling Station.

The voter may vote for candidate .

The voter will go into one of the compartments, and, with the pencil provided in the compartment, place a cross on the right-hand side, opposite the name of each candidate for whom he votes, thus X.

The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he shall not place it in the ballot box, but return it to the presiding officer, who will, if satisfied of such inadvertence, give him another paper.

If the voter votes for more than candidate , or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter fraudulently takes a ballot paper out of the polling station or deposits in the ballot box any other paper than the one given him by the officer, he will be guilty of a misdemeanor, and be subject to imprisonment for any term not exceeding six months, with or without hard labour.

Note.—These directions shall be illustrated by examples of the ballot paper.

Form of Statutory Declaration of Secrecy.

I solemnly promise and declare, That I will not at this election for do anything forbidden by section of this Act, which has been read to me.

Note.—The section must be read to the declarant by the person taking the declaration.

Form of Statutory Declaration of inability to read.

I, *A.B.*, of , being numbered on the Register of Voters for the county [*or* borough] of , do hereby declare that I am unable to read.

A.B., his mark.

day of .

I, the undersigned, being the presiding officer for the polling station for the county [*or* borough] of , do hereby certify, that

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the above declaration, having been first read to the above-named *A.B.*, was signed by him in my presence with his mark.

Signed, *C.D.*,
Presiding officer for polling station for the
county [*or* borough] of .
day of .

NINTH SCHEDULE.

PART I.—PERSONS LEGALLY EMPLOYED FOR PAYMENT.

(1.) One election agent and no more.

(2.) In counties one deputy election agent (in this Act referred to as a sub-agent) for each polling district and no more.

(3.) One polling agent in each polling station and no more.

(4.) In a borough one clerk and one messenger, or if the number of electors in the borough exceeds five hundred, a number of clerks and messengers not exceeding in number one clerk and one messenger for every complete five hundred electors in the borough, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five hundred.

(5.) In a county for the central committee room one clerk and one messenger, or if the number of electors in the county exceeds five thousand, then a number of clerks and messengers not exceeding in number one clerk and one messenger for every complete five thousand electors in the county; and if there is a number of electors over and above any complete five thousand or complete five thousands of electors then one clerk and one messenger may be employed for such number, although not amounting to a complete five thousand.

(6.) In a county a number of clerks and messengers not exceeding in number one clerk and one messenger for each polling district in the county, or where the number of electors in a polling district exceeds five hundred one clerk and one messenger for every complete five hundred electors in the polling district, and if there is a number of electors over and above any complete five hundred or complete five hundreds of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete five hundred: Provided always, that the number of clerks and messengers so allowed in any county may be employed in any polling district where their services may be required.

(7.) Any such paid election agent, sub-agent, polling agent, clerk, and messenger, may or may not be an elector but may not vote.

Part II.—Legal Expenses in Addition to Expenses under Part I.

(1.) The personal expenses of the candidate.

(2.) The expenses of printing, the expenses of advertising, and the expenses of publishing, issuing, and distributing addresses and notices.

(3.) The expenses of stationery, messages, postage, and telegrams.

(4.) The expenses of holding public meetings.

(5.) In a borough the expenses of one committee room, and if the number of electors in the borough exceeds 500, then of a number of committee rooms not exceeding the number of one committee room for every complete 500 electors in the borough, and if there is a number of electors over and above any complete 500 or complete 500 of electors, then of one committee room for such number, although not amounting to a complete 500.

(6.) In a county the expenses of a central committee room, and in addition of a number of committee rooms not exceeding in number one committee room for each polling district in the county, and where the number of electors in a polling district exceeds 500, one additional committee room may be hired for every complete 500 electors in such polling district over and above the first 500.

Part III.—Maximum for Miscellaneous Matters.

Expenses in respect of miscellaneous matters other than those mentioned in Part I. and Part II. of this schedule, not exceeding in the whole the maximum amount of *200l.*, so nevertheless that such expenses are not incurred in respect of any matter or in any manner constituting an offence under this or any other Act, or in respect of any matter or thing, payment for which is expressly prohibited by this or any other Act.

Part IV.—Maximum Scale.

(1.) In a borough the expenses mentioned above in Parts I., II., and III. of this Schedule, other than personal expenses, shall not exceed in the whole the maximum amount in the scale following:

If the number of electors on the register—	The maximum amount shall be—
Does not exceed 2,000	*250l.*
Exceeds 2,000	*280l.*, and an additional *40l.* for every complete 1,000 electors above 2,000.

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Provided that in Ireland, if the number of electors on the register—

The maximum amount shall be—
Does not exceed 500 - -	*175l.*
Exceeds 500, but does not exceed 1,000 - - -	*220l.*
Exceeds 1,000, but does not exceed, 1,500 - - -	*250l.*

(2.) In a county the expenses mentioned above in Parts I., II., and III. of this Schedule, other than personal expenses, shall not exceed in the whole the maximum amount in the scale following :

If the number of electors on the register—·	The maximum amount shall be—
Does not exceed 2,000 - -	*550l.* in England and Scotland, and *450l.* in Ireland.
Exceeds 2,000 - -	*610l.* in England and Scotland, and *510l.* in Ireland; and an additional *40l.* in England and Scotland, and *25l.* in Ireland, for every complete 1,000 electors above 2,000.

PART V.— GENERAL.

(1.) For the purposes of this Schedule the number of electors shall be taken according to the enumeration of the electors in the register of electors.

(2.) Where there are two or more joint candidates at an election, the maximum amount of expenses mentioned in Parts III. and IV. of the Schedule shall, for each of such joint candidates, be reduced by one-fourth, or, if there are more than two joint candidates, by one-third.

(3.) Where the same election agent is appointed by or on behalf of two or more candidates at an election, or where two or more candidates, by themselves or any agent or agents, hire or use the same committee rooms for such election or employ or use the services of the same sub-agents, clerks, messengers, or polling agents at such election, or publish a joint address or joint circular or notice at such election, those candidates shall be deemed for the purposes of this enactment to be joint candidates at such election.

Provided that—

(*a.*) The employment and use of the same committee room, sub-agent, clerk, messenger, or polling agent, if accidental or casual, or of a trivial and unimportant character, shall not be deemed of itself to constitute persons joint candidates.

(*b.*) Nothing in this enactment shall prevent candidates from ceasing to be joint candidates.

A.D. 1895.

(*c.*) Where any excess of expenses above the maximum allowed for one of two or more joint candidates has arisen owing to his having ceased to be a joint candidate, or to his having become a joint candidate after having begun to conduct his election as a separate candidate, and such ceasing or beginning was in good faith, and such excess is not more than under the circumstances is reasonable, and the total expenses of such candidate do not exceed the maximum amount allowed for a separate candidate, such excess shall be deemed to have arisen from a reasonable cause within the meaning of the enactments respecting the allowance by the High Court or election court of an exception from the provisions of this Act which would otherwise make an act an illegal practice, and the candidate and his election agent may be relieved accordingly from the consequences of having incurred such excess of expenses.

TENTH SCHEDULE.

PART I.—FORM OF DECLARATION AS TO EXPENSES.

Form for Candidate.

I , having been a candidate at the election for the county [*or* borough] of on the day of , do hereby solemnly and sincerely declare that I have examined the return of election expenses [about to be] transmitted by my election agent [*or if the candidate is his own election agent,* "by me"] to the returning officer at the said election, a copy of which is now shown to me and marked , and to the best of my knowledge and belief that return is correct;

And I further solemnly and sincerely declare that, except as appears from that return, I have not, and to the best of my knowledge and belief no person, nor any club, society, or association, has, on my behalf, made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare that I have paid to my election agent [*if the candidate is also his own election agent, leave out* "to my "election agent"] the sum of pounds and no more for the purpose of the said election, and that, except as specified in the said return, no money, security, or equivalent for money has to my knowledge or belief been paid, advanced, given, or deposited by anyone to or in the hands of my election agent [*or if the candidate is his own election agent,* "myself"] or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election:

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the

A.D. 1895. making or giving of, any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

Signature of declarant *C.D.*

Signed and declared by the above-named declarant on the day of , before me.

(Signed) *E.F.*
Justice of the Peace for

Form for Election Agent.

I, , being election agent to , candidate at the election for the county [*or* borough] of , on the day of , do hereby solemnly and sincerely declare that I have examined the return of election expenses about to be transmitted by me to the returning officer at the said election, and now shown to me and marked , and to the best of my knowledge and belief that return is correct;

And I hereby further solemnly and sincerely declare that, except as appears from that return, I have not and to the best of my knowledge and belief no other person, nor any club, society, or association, has, on behalf of the said candidate made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election:

And I further solemnly and sincerely declare that I have received from the said candidate pounds and no more [*or* nothing] for the purpose of the said election, and that, except as specified in the said return sent by me, no money, security, or equivalent for money has been paid, advanced, given, or deposited by any one to me or in my hands, or, to the best of my knowledge and belief, to or in the hands of any other person for the purpose of defraying any expenses incurred on behalf of the said candidate on account of, or in respect of the conduct or management of the said election.

Signature of declarant *A.B.*

Signed and declared by the above-named declarant on the day of before me.

(Signed) *E.F.*
Justice of the Peace for

Form of Return of Election Expenses.

I, *A.B.*, being election agent to *C.D.*, candidate at the election for the county [*or* borough] of on the day of , make the following return respecting election expenses of the said candidate at the said election [*or where the candidate has named himself as election agent*, "I, *C.D.*, candidate at the election for the county [*or* borough] of " on the day of , acting as my own " election agent, make the following return respecting my election expenses at " the said election "].

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Receipts.

Received of [*the above-named candidate*] [*or where the candidate is his own election agent,* "Paid by *me*"] £

Received of *J.K.* - - - - - - £

[*Here set out the name and description of every person, whether the candidate or not, club, society, or association, from whom any money, securities, or equivalent of money was received in respect of expenses incurred on account of or in connexion with or incidental to the above election, and the amount received from each person, club, society, or association respectively.*]

Expenditure.

By the returning officer for the said county [*or* borough] for his charges at the said election - - - - £

Personal expenses of the said *C.D.*, paid by himself [*or if the candidate is his own election agent,* "Paid by me as "candidate"] - - - - - - £

Do. do. paid by me [*or if the candidate is his own election agent add,* "acting as election agent"] - - - - - - - £

Received by me for my services as election agent at the said election [*or if the candidate is his own election agent, leave out this item*] - - - - - - - £

Paid to *G.H.*, as sub-agent of the polling district of - £

[*The name and description of each sub-agent and the sum paid to him must be set out separately.*]

Paid to as polling agent - - - £

Paid to as clerk for days services - £

Paid to as messenger for days services - £

[*The names and descriptions of every polling agent, clerk, and messenger, and the sum paid to each must be set out separately either in the account or in a separate list annexed to and referred to in the account, thus* "Paid to polling agent (*or as the case may be*) as per annexed list £ ."]

Paid to the following persons in respect of goods supplied or work and labour done:

To *P.Q.* (printing) - - - - - £

To *M.N.* (advertising) - - - - - £

To *R.S.* (stationery) - - - - - £

[*The name and description of each person, and the nature of the goods supplied, or the work and labour done by each, must be set out separately either in the account or in a separate list annexed to and referred to in the account.*]

Paid for postage, telegrams, parcels, &c. - - - £

A.D. 1895.

Paid for the hire of rooms as follows :—

For holding public meetings - - - - £

For committee room - - - - £

[*A room hired for a public meeting or for a committee room must be named or described so as to identify it; and the name and description of every person to whom any payment was made for each such room, together with the amount paid, must be set out separately either in the account or in a separate list annexed to and referred to in the account.*]

Paid for miscellaneous matters, namely— - - - £

[*The name and description of each person to whom any sum is paid, and the reason for which it was paid to him, must be set out separately either in the account or in a separate list annexed to and referred to in the account.*]

In addition to the above, I am aware, as election agent for *C.D.*, [*or if the candidate is his own election agent, leave out* "as "election agent for *C.D.*,"] of the following disputed and unpaid claims; namely,—

Disputed claims.

By *T.U.* for - - - - - - £

[*Here set out the name and description of each person whose claim is disputed, the amount of the claim, and the goods, work, or other matter on the ground of which the claim is based.*]

Unpaid claims allowed by the High Court to be paid after the proper time or in respect of which application has been or is about to be made to the High Court.

By *M.O.* for - - - - - - - £

[*Here state the name and description of each person to whom any such claim is due, and the amount of the claim, and the goods, work, and labour or other matter on account of which the claim is due.*]

(Signed) *A.B.*

PART II.—FORM OF DECLARATION AS TO EXPENSES.

Form for Candidate where declared a Candidate or nominated in his absence and taking no part in the Election.

I, , having been nominated [*or* having been declared by others] in my absence [to be] a candidate at the election for the county or borough of held on the day of , do hereby solemnly and sincerely declare that I have taken no part whatever in the said election.

A.D. 1895.

And I further solemnly and sincerely declare that [*or* with the exception of] I have not, and no person, club, society, or association at my expense has, made any payment, or given, promised, or offered, any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that [*or* with the exception of] I have not paid any money or given any security or equivalent for money to the person acting as my election agent at the said election, or to any other person, club, society, or association on account of or in respect of the conduct or management of the said election, and that [or with the exception of] I am entirely ignorant of any money security or equivalent for money having been paid, advanced, given, or deposited by any one for the purpose of defraying any expenses incurred on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent of money for the purpose of defraying any such expenses.

Signature of declarant *C.D.*

Signed and declared by the above-named declarant on the day of , before me,

(Signed) *E.F.*
Justice of the Peace for

ELEVENTH SCHEDULE.

REPEAL OF STATUTES.

Session and Chapter.	Enactments repealed or partly repealed. Title, or Short Title.	Extent of Repeal, and how repealed or otherwise affected.

Parliamentary Elections.

A

B I L L

To consolidate and amend the Law relati
to Parliamentary Elections, and for oth
purposes relating thereto.

(*Prepared and brought in by Mr. Howell, Mr. James Rowlands, Mr. Pickersgill, Mr. James Stuart, Mr. C. Fenwick, Mr. Bowen Rowlands, and Mr. Warmington.*)

Ordered, by The House of Commons, *to be Printed,* 8 *February* 1895.

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[Bill 56.]

A

B I L L

TO

Enable Officers and Seamen of the Royal Navy and Mercantile Marine to record their Votes when by reason of their calling they will be at Sea on the day of the Poll. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Parliamentary Elections (Mariners Votes) Act, 1895. Short title.

2. In this Act the expression "marine voter" means— Interpretation.

(i) any officer or man in or belonging to Her Majesty's Navy and borne on the books of any one of Her Majesty's ships in commission;

(ii) any officer or man of the Royal Marines borne on the books of any one of Her Majesty's ships in commission;

(iii) any master or seaman having signed an agreement or articles for a voyage in any British ship;

(iv) any skipper or seaman lawfully engaged to serve on any British fishing boat entered on the fishing boat register;

(v) any qualified pilot;

whose name is at the time of his recording his vote at a parliamentary election under the provisions of this Act upon the parliamentary register of electors for the area to which the election relates, and who is not prohibited from voting at that election by any Act of Parliament.

The expressions "master," "skipper," "seaman," and "qualified pilot" respectively have the same meanings as in the Merchant Shipping Act, 1894.

The expression "returning officer" includes a deputy returning officer duly appointed.

A.D. 1895.

Voting by marine voters.

3. Where at any time after the *passing of this Act* a writ has been issued for a parliamentary election, the following provisions shall have effect:—

(1.) The returning officer shall on the day on which he receives the writ or on the following day give public notice appointing the time and place at which the votes of marine voters may be recorded under this Act.

(2.) Such place (in this Act referred to as the office of the returning officer) shall be situate within the area in which the election is pending, and the returning officer shall attend thereat for the purposes of his duties under this Act during the hours specified in the said notice being not less than two hours on the day following the publication of the said notice and on every subsequent day up to and including the day of the nomination and in case the election is contested up to and including the day preceding the day of the poll.

(3.) Any marine voter may, together with another person, who shall be a householder residing in the area in which the election is pending, attend at the office of the returning officer at any time during the hours appointed by the said notice, and may, together with such other person, and in the presence of the returning officer, make a declaration (in this Act referred to as a marine voter's declaration) in the form set out in the first part of the schedule to this Act, and may deliver such declaration to the returning officer, who shall, upon the application of the marine voter, receive and subscribe the same.

(4.) When the returning officer has received and subscribed a marine voter's declaration he shall, on the application of the marine voter, exhibit to him a paper (in this Act referred to as a voting paper) in the form set out in the second part of the schedule to this Act, and shall permit such voter to read and examine the same. He shall then inform the marine voter as to the number of candidates for whom such voter is entitled to vote in the event of the said election being contested.

(5.) The returning officer shall then, upon the request of the marine voter, made in the hearing of the returning officer only, write upon the central fold of the front of such voting paper the surname and other names of any person or persons (not exceeding the number for whom such voter is entitled to vote) named by such voter as being the person or persons for whom he desires to vote in the event of the said election being contested, and such person or persons being a candidate or

candidates thereat. He shall then fold the lower fold of the voting paper over the central fold of the front thereof so as to conceal the names of the person or persons voted for, and shall securely fasten down the edge of the lower fold to the upper edge of the central fold.

(6.) The returning officer shall then write on the back of the lower fold of the voting paper the name and number on the register of voters of the marine voter, and the date, and shall sign the said writing and affix his seal thereto. The said writing shall also be signed by the person who joined with the marine voter in making the marine voter's declaration, and the voting paper and the said declaration shall be kept in the custody of the returning officer until the time herein-after mentioned.

(7.) The returning officer shall make and keep a list (in this Act referred to as the marine voters list) of all marine voters who have recorded their votes before him under this Act. The said list shall contain the name of each such marine voter and his number on the register of voters, and the date upon which he so recorded his vote.

(8.) When any person applies to the returning officer to receive and subscribe a marine voter's declaration, the returning officer shall consult the marine voters list, and if the person so applying represents himself to be a particular marine voter whose name is entered upon the said list as having already voted at that election, such person shall, upon duly answering the questions specified, and taking an oath in the form set out, in the third part of the schedule to this Act, be entitled to make a marine voter's declaration, and to vote as a marine voter under the provisions of this Act, but the returning officer shall write the word "tendered" upon the back of the voting paper of any such person, and any voting papers so indorsed shall be kept separate from the other voting papers and no vote given by any such voting paper shall be counted. And the name of the voter and his number on the register shall be entered on a list which shall be called "the list of tendered mariners' votes."

(9.) Subject to the provisions of this Act the returning officer shall carefully preserve in his custody every marine voter's declaration, voting paper, and list coming to his hands or kept by him under this Act, and shall not permit the same to be inspected by any person.

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(10.) The returning officer shall give to every person coming before him for the purposes in this section mentioned, such explanations and assistance as may seem to him necessary or expedient for enabling a marine voter to record his vote under the provisions of this Act.

(11.) The production from the proper custody of a voting paper filled up, signed, and sealed in the manner in this section mentioned shall, as regards such voting paper, be conclusive evidence that the requirements of this section as to the manner of voting by marine voters have been complied with.

Dealing with documents where election uncontested.

4. If any election in respect of which a marine voter has voted under the provisions of this Act is not contested, the returning officer shall, after the election of the candidates or candidate has been declared, forthwith cause to be destroyed any marine voter's declaration, voting paper, and list in his custody by virtue of this Act.

Procedure where election contested.

5. If any such election be contested the following provisions shall have effect :—

(1.) The returning officer shall, on the day preceding the day of the poll, as soon as practicable after the time appointed for the recording of the votes of marine voters shall have expired, cause the marine voters list to be suspended or affixed in a prominent place in his office, and shall permit any candidate at the election, or his duly authorised agent, to inspect and take copies of the same.

(2.) The returning officer shall provide each polling station with copies of the marine voters list, or such part thereof as contains the name of any voter allotted to vote at such station.

(3.) The returning officer shall immediately after the close of the poll bring to the place appointed for the counting of the votes, all voting papers received by him under this Act, and shall before the ballot boxes are opened, upon request, allow any counting agent to inspect the back of any such voting paper.

(4.) After he has allowed such time as seems to him reasonable for the purposes last above mentioned, the returning officer shall securely fasten the upper fold of the front of each voting paper over the lower fold of the back thereof so as to conceal the name and number on the register of the marine voter, and shall mix together the whole of such voting papers. He shall then open each voting paper by means of the perforation in the central fold thereof, and shall proceed to record the number of

votes given by such voting papers for any person who is a candidate for election at the poll. A.D. 1895.

The votes so given to any candidate shall at the close of the counting be added to the votes given for him by means of ballot papers.

(5.) If by any voting paper a vote is purported to be given for a person not a candidate for election at the poll, such vote shall be void and not counted, and the returning officer shall forthwith cause such voting paper to be destroyed. Provided that if the voter was entitled to vote, and has voted by means of such voting paper, for more persons than one, and one of the persons so voted for is a candidate for election at the poll, the returning officer shall in lieu of causing such voting paper to be destroyed erase therefrom the name of the person not a candidate and count the vote given for the candidate, and deal with the voting paper as a voting paper by which a valid vote is given.

(6.) Upon the completion of the counting the returning officer shall seal up in a packet the voting papers by which valid votes were given, and shall deal with the said packet and with the marine voters declarations and list and the list of tendered mariners votes in the same manner in which he is required by rule thirty-eight of Part I. of the First Schedule to the Ballot Act, 1872, to deal with the papers and things in the said rule mentioned.

(7.) The rules contained in Part I. of the First Schedule to the Ballot Act, 1872, relating to the retention and destruction and inspection of documents relating to an election, shall apply as if the documents lastly in this section mentioned were specified therein, and the expression "ballot papers" in the said rules shall be deemed to include voting papers by which valid votes are given.

Offences.

6.—(1.) Section three, except sub-section (4) thereof, and sections four and twenty-four of the Ballot Act, 1872, shall be read and construed as part of this Act, provided that in the application of the said sections to proceedings under this Act the expressions "polling station," "ballot paper," "marking his vote," and "number on the back," shall be deemed to include "office of the returning officer" "voting paper," "voting as a marine voter," and "number or name on the back" respectively, and in sub-section (6) of section three a reference to opening a voting paper shall be substituted for the reference to opening a ballot box.

A.D. 1895.

(2.) Section eleven of the Ballot Act, 1872, shall apply to a returning officer or clerk who is guilty of any wilful misfeasance or wilful act or omission in contravention of this Act as if the same were in contravention of the Ballot Act, 1872.

(3.) For the purposes of this Act, sections seven and fourteen of the Corrupt and Illegal Practices Prevention Act, 1883, shall be read and construed as if the expression "the conveyance of electors to or from the poll," included "the conveyance of marine voters to or from the office of the returning officer."

(4.) Any person signing, subscribing, indorsing, attesting, certifying, or tendering as genuine any false or falsified voting paper knowing the same to be false or falsified, and any person falsely making a marine voter's declaration shall be guilty of a corrupt practice within the meaning of the Parliamentary Elections Act, 1868, and the Corrupt and Illegal Practices Prevention Act, 1883, and shall be punishable accordingly.

Duties of returning officer.

7. Every returning officer shall provide such voting papers and forms of marine voters declarations, copies of register of voters, and other things, appoint and pay such officers, and do such other acts and things as may be necessary for effectually carrying out the provisions of this Act.

Inspection of agreements with crews.

8. Every superintendent of a mercantile marine office shall, upon the application of any candidate at a parliamentary election or his duly authorised agent, and upon payment of such fee as may be prescribed by the Board of Trade, produce, for the inspection of the person so applying, any agreement with a crew or fishing boat's agreement in his possession or under his control, and shall permit copies to be taken thereof.

Vote not to be invalidated by death of voter before poll.

9. No vote given by a marine voter under the provisions of this Act shall be invalidated by reason only of the death of such voter after he has given his vote and before the close of the poll at the election.

Notice where voter is on shore on day of poll.

10.—(1.) Every marine voter who has voted at an election under the provisions of this Act shall, if he does not go to sea previously to the day of the poll, or if he returns to any part of the United Kingdom within twenty miles of the area to which the election relates, before that day give notice in writing, as soon as practicable, and not later than *six* o'clock on the evening of the day preceding the day of the poll, to the returning officer at his office, that he has not gone to sea or has returned, as the case may be, and the returning officer shall, upon receipt of such notice, cause the voting paper

and marine voter's declaration of such voter to be destroyed, and shall erase his name from the marine voters list.

(2.) Every marine voter neglecting or omitting, without reasonable excuse, to give such notice as he is required to give under this section shall be liable, upon summary conviction, to a fine not exceeding *five pounds*.

(3.) No vote given by a marine voter under the provisions of this Act shall be invalidated by reason only that such voter either did not go to sea or returned from sea previously to the day of the poll, or by reason only that he neglected or omitted to give such notice as is in this section mentioned.

Effect of schedule and of mistakes in use of forms.

11. The schedule to this Act and the notes therein shall have effect as part of this Act, provided as follows:—

(1.) No misnomer or inaccurate description of any person, place, or thing named in any voting paper, marine voter's declaration, or other document under this Act shall hinder the full operation of such voting paper, declaration, or document with respect to that person, place, or thing, provided the name or description thereof is such as to be commonly understood.

(2.) No election shall be declared invalid by reason of a mistake in the use of the forms in the schedule to this Act if it appears to the tribunal having cognizance of the question, that the provisions of this Act have been substantially complied with and that such mistake did not affect the result of the election.

Application of Act.

12. Nothing in this Act shall apply to any election for a university or combination of universities.

A.D. 1895.

THE SCHEDULE.

PART I.

FORM OF MARINE VOTER'S DECLARATION.

We, *A.B.*, (*a*) of and *C.D.* (*b*) of solemnly and sincerely declare as follows:—

(*a*) Name of marine voter.
(*b*) Name of householder.

And first I, *A.B.*, (*a*) for myself say:—

1. I am the person registered upon the Parliamentary Register of electors for (*c*) as follows (*d*)

(*c*) Name of borough, county, or division.
(*d*) Insert copy of entry on the register.

2.* I have signed articles of agreement dated the day of 189 whereby I have engaged to go to sea on the day of next as a (*e*) in the ship (*f*) upon a voyage from (*g*) to (*g*) and I verily believe that I shall be absent in pursuance of my said engagement for at least (*h*)

(*e*) State whether as master, seaman, or in what capacity.
(*f*) Name of vessel.
(*g*) State shortly the extent of the proposed voyage.
(*h*) State probable duration of voyage.

And I, *C.D.*, (*b*) for myself say:—

3. I am a householder in the (*c*) and I reside at

4. I am personally acquainted with the above-named *A.B.* and I have read the foregoing declaration made by him, and I know of my own knowledge that the facts therein stated are true.

Signature of marine voter

Signature of householder

The foregoing declaration was made and signed before me this day of

Returning officer for the (*i*)

(*i*) County or borough, or as the case may require.

* In the case of an officer or man of Her Majesty's Navy or the Royal Marines, the following form may be substituted for clause 2 of the declaration:—

2. I am required by the duties of my service to go to sea as a (*w*) in Her Majesty's ship (*x*) which is under orders to leave (*y*) on the day of next, and I verily believe that I shall be absent in the performance of my duties on board the said ship for at least (*z*)

(*w*) State rank or capacity.
(*x*) Name of ship.
(*y*) Name of port.
(*z*) State probable duration of voyage.

A.D. 1895.

PART II.

FORM OF VOTING PAPER.

Form of Front of Voting Paper.

Adhesive Gum.

Upper fold.

Perforated line.

I certify that a vote was this day given before me by the voter whose name is written on the back of the lower fold of this paper for (*a*)

Central fold.

(*a*) Insert names of person voted for.

at the pending parliamentary election for the (*b*)

(*b*) Insert name of borough, county, or division.

Signature of Returning officer

Date day of 189 .

Lower fold.

Adhesive Gum.

Form of Back of Voting Paper.

Upper fold.

Perforated line

Central fold.

No. on Register

Name of voter

Signature of returning officer

Signature of householder

Date day of 189 .

Lower fold.

A.D. 1895.

PART III.

FORM OF QUESTIONS TO BE PUT AND OF OATH TO BE ADMINISTERED TO APPLICANT UNDER SECTION 3 (8) OF THE ACT.

Form of Questions.

1. Are you the person entered in the Parliamentary Register of electors for the (*a*) as follows:

(*b*) ?

2. Have you already voted as a marine voter at the parliamentary election now pending in the said (*a*) ?

(*a*) State name of borough, county, or division.

(*b*) Read the whole entry from the register.

Form of Oath.

* "You do swear that you are the same person whose name appears as *A.B.* on the Parliamentary Register of electors for the (*a*)
and that you have not already voted as a marine voter at the parliamentary election now pending in the said (*a*)

So help you God."

---

*Any person entitled to affirm in lieu of taking an oath may affirm in the following form:—

"I, *A.B.*, do solemnly, sincerely, and truly declare that I am the same person whose name appears as *A.B.* on the Parliamentary Register of electors for the (*a*)
and that I have not already voted as a marine voter at the parliamentary election now pending in the said (*a*) ."

Parliamentary Elections (Mariners Votes).

A

B I L L

To enable Officers and Seamen of the Royal Navy and Mercantile Marine to record their Votes when by reason of their calling they will be at Sea on the day of the Poll.

(*Prepared and brought in by Mr. Elliott Lees, Mr. Forwood, Sir H. Seymour King, Sir Edward Hill, Mr. Kearley, and Mr. Allan.*)

Ordered, by The House of Commons, *to be Printed,* 8 *February* 1895.

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[*Price* 1½*d.*]

[Bill 64.]

A

B I L L

TO

Prohibit Plural Voting at Parliamentary Elections, and to provide for taking the Polls at a Parliamentary Election on one Day, and for purposes consequential thereon. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Plural Voting.

Voting in one constituency only.

1.—(1.) Where a person votes at a parliamentary election in one constituency, he shall not, while the then current parliamentary register of electors is in force, vote at a parliamentary election in any other constituency.

(2.) If a person at a parliamentary election either votes or applies for a ballot or voting paper in a constituency in which he is by this section prohibited from voting, he shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883. 46 & 47 Vict. c. 51.

(3.) The question in the schedule to this Act may be asked of a person at a poll at a parliamentary election in addition to the questions authorised already to be asked, and unless the answer is in the negative, the person shall not vote, and in the case of a university election, the declaration in the said schedule shall be added to the voting paper, and the enactments relating to that declaration shall apply as if that addition were contained therein.

(4.) Section eighty-one of the Parliamentary Registration Act, 1843, and the enactments amending the same, shall apply as if the said question were contained in that section, and the said section and enactments shall, with the necessary modifications, extend to university elections, and further, if a person gives a false answer to any such question he shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883. 6 & 7 Vict. c. 18. 46 & 47 Vict. c. 51.

A.D. 1895.

(5.) The paragraph in the schedule to this Act shall be added at the end of the forms of notice of parliamentary election, and of directions for the guidance of the voter, set forth in the Second Schedule to the Ballot Act, 1872.

35 & 36 Vict. c. 33.

Polls on One Day.

Elections to be on same day.

2. Whenever Her Majesty the Queen issues a proclamation summoning a new Parliament the following provisions shall apply with respect to the day of the general election of members to serve in that Parliament, and the day of the poll at such election :—

(*a.*) The day of the poll shall (except in the universities) be the same day in every constituency.

(*b.*) The day of the poll shall be the second or third Saturday after the proclamation, according as is fixed by the proclamation, but shall not be less than *eight* nor more than *thirteen* clear days after the issue of the writs, and every writ for the election shall command the returning officer, in the event of a poll, to take it on the day so fixed.

(*c.*) The day of election shall be such day as may be fixed by the returning officer, not being less than *three* clear days before the day of the poll, and than *two* clear days after the day on which public notice of the election is given under the Ballot Act, 1872.

35 & 36 Vict. c. 33.

(*d.*) The said public notice shall be given by the returning officer on the day on which he receives the writ, or official telegraphic information of the writ having been issued, or on the following day ; and the returning officer on receiving such official telegraphic information shall proceed as if he had actually received the writ.

(*e.*) Official telegraphic information under this section shall be given in such cases and by such persons as may be directed by Her Majesty the Queen in Council.

35 & 36 Vict. c. 33.

(*f.*) So much of rules one, two, fourteen, and sixty-one of the First Schedule to the Ballot Act, 1872, as are inconsistent with this section shall not apply, and the additions in the schedule to this Act shall be made to the form of writ and endorsement thereon.

(*g.*) The time appointed for the meeting of the Parliament may be any time not less than *twenty* clear days after the proclamation.

(*h.*) For the purposes of this section, time shall be reckoned in the same manner as for the purposes of the Ballot Act, 1872.

A.D. 1895.

Application to Scotland and Ireland.

Application of Act to Scotland and Ireland. 6 & 7 Vict. c. 18. 48 Vict. c. 18. 13 & 14 Vict. c. 69.

3. There shall be substituted for section eighty-one of the Parliamentary Registration Act, 1843—

(*a*) in Scotland section three of the Parliamentary Elections and Corrupt Practices Act, 1880; and

(*b*) in Ireland section eighty-eight of the Representation of the People (Ireland) Act, 1850.

Supplemental.

Definitions, repeal, and short title.

4.—(1.) In this Act, unless the context otherwise requires, the expression "constituency" means any county, borough, or combination of places, or university, returning a member to serve in Parliament, and where a county or borough is divided for the purpose of parliamentary elections, means a division of the county or borough so divided.

15 & 16 Vict. c. 23.

(2.) The Act of the session of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter twenty-three, entitled, "An Act to shorten the time required for assembling Parliament after a dissolution thereof," is hereby repealed.

(3.) This Act may be cited as the Parliamentary Elections Act, 1895.

A.D. 1895.

SCHEDULE.

ADDITIONAL QUESTION AT POLL.

The additional question which may be asked shall be—

Have you, since the day of [*here specify the day next before that on which the current parliamentary register of electors came into operation*] voted at a parliamentary election other than an election for this constituency?

24 & 25 Vict. c. 53. 44 & 45 Vict. c. 40.

ADDITION TO VOTING PAPER UNDER THE UNIVERSITY ELECTIONS ACT, 1861, AND THE UNIVERSITIES ELECTIONS AMENDMENT (SCOTLAND) ACT, 1881.

In a voting paper at a university election there shall be inserted after the words "declare that" the words "I have not, since the month of "December last voted at a parliamentary election other than an election for "this university and."

ADDITION TO THE FORM OF NOTICE OF PARLIAMENTARY ELECTION AND TO THE FORM OF DIRECTIONS FOR THE GUIDANCE OF THE VOTERS IN VOTING SET FORTH IN THE SECOND SCHEDULE TO THE BALLOT ACT, 1872.

35 & 36 Vict. c. 33.

And further take notice that if a person votes or applies for a ballot paper in more than one constituency, or in a different constituency from that (if any) in which he has voted since the day of [*here specify day next before that on which the current parliamentary register of electors came into operation*], he will be guilty of an illegal practice, and be liable to the penalties in that behalf mentioned in the Corrupt and Illegal Practices Prevention Act, 1883.

46 & 47 Vict. c. 51.

ADDITION TO THE FORM OF WRIT FOR A COUNTY OR BOROUGH AT A PARLIAMENTARY GENERAL ELECTION.

There shall be added (for the purpose of a parliamentary general election) to the form of writ for a county or borough set out in the Second Schedule to the Ballot Act, 1872, before the words "and that you do cause" the words "and that, in the event of a poll, you do cause the poll to be "taken on the second [*or* third] Saturday after the date of this writ."

35 & 36 Vict. c. 33.

Endorsement.

Where official telegraphic information is received, there shall be added to the endorsement:

"Received official telegraphic information of this writ on the day of 18 .

Signed *A.B.*
Sheriff [or as the case may be]."

Parliamentary Elections (Plural Voting, &c.).

A

B I L L

To prohibit Plural Voting at Parliamentary Elections, and to provide for taking the Polls at a Parliamentary Election on one Day, and for purposes consequential thereon.

(*Prepared and brought in by Mr. Shaw-Lefevre, Mr. Secretary Asquith, and Sir Walter Foster.*)

Ordered, by The House of Commons, *to be Printed*, 30 *April* 1895.

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[*Price* 1*d.*]

[Bill 220.]

A

B I L L

FOR

Extending the Parliamentary Franchise to Women.

A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as "The Parliamentary Franchise (Women) Act, 1895."

Qualification of women for Parliamentary franchise.

2. On and after the *passing of this Act* every woman, who, not being under any legal incapacity which would equally disqualify a man from voting, and who is the inhabitant occupier as owner or tenant of any dwelling-house, tenement, or building within the borough or county where such occupation exists, shall be entitled to be registered as a voter in the list of voters for such borough or county in which she is so qualified as aforesaid, and, when registered, to vote for a member or members to serve in Parliament.

Parliamentary Franchise (Women).

A

B I L L

For extending the Parliamentary Franchise to Women.

(*Prepared and brought in by Mr. Macdona, Sir Richard Temple, Mr. Maclure, Mr. Atherley Jones, and Mr. Griffith Boscawen.*)

Ordered, by The House of Commons, *to be Printed*, 8 *February* 1895.

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[*Price* ½*d.*]

[Bill 16.]

Parliamentary Voters Registration Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.

Parliamentary Franchise.

2. Dwelling-house qualification.
3. Lodger qualification.
4. Short interruptions of occupancy not to invalidate qualification.
5. Change of qualification.
6. Register to be conclusive as to right to vote, but voter limited to one constituency.

Registration of Voters.

7. Registration officer to be appointed.
8. Duty of registration officer to ascertain names of persons entitled to be registered.
9. Registration officer to serve requisition on occupiers and others.
10. Service of notice.
11. Registration officer to perform duties previously vested in returning officers, overseers, and other officers.
12. Registration officer disqualified from voting at elections.
13. Registrar of deaths to send returns to registration officer.
14. Preparation and amendment of register of voters.
15. Register of voters to come into operation on the first of January and the first of July respectively.

Conduct of Elections.

16. Issue of writs, nomination and polling days.
17. Notice of polling day to be sent by returning officer.
18. Saving as to the Universities.
19. Repeal.

SCHEDULES.

A

B I L L

TO

Amend the Law for the Registration of Parliamentary Voters ; and for other purposes relating to Elections. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Parliamentary Franchise Amendment Act, 1895.

Parliamentary Franchise.

Dwelling-house qualification.

2. Every man shall, in and after the year *one thousand eight hundred and ninety-five*, be entitled to be registered as a voter, and when registered to vote for a member or members to serve in Parliament who is qualified as follows, that is to say:—

1. Is of full age and not subject to any legal incapacity; and
2. Is on the *thirty-first day of March* or the *thirtieth day of September* in any year, and has during the whole of the preceding *three calendar months* been an inhabitant occupier as owner or tenant of any dwelling-house, tenement, or building within such constituency or the electoral division of which such constituency formed part prior to the passing of the Redistribution of Seats Act, 1885.

Lodger qualification.

3. Every man shall, in and after the year *one thousand eight hundred and ninety-five*, be entitled to be registered as a voter, and when registered to vote for a member or members to serve in Parliament who is qualified as follows, that is to say:—

1. Is of full age and not subject to any legal incapacity; and
2. As a lodger has occupied in the same constituency for three calendar months preceding the *thirty-first day of March* or the *thirtieth day of September* in any year any lodgings in

A.D. 1895.

any dwelling-house or building within such constituency. The occupation in immediate succession of different lodgings in the same constituency, or the electoral division of which such constituency formed part prior to the passing of the Redistribution of Seats Act, 1885, shall for the purpose of qualifying a lodger to be registered as a voter and to vote, have the same effect as the continued occupation of the same lodgings.

Short interruptions of occupancy not to invalidate qualification.

4. Short interruptions of occupancy of a dwelling-house or lodgings, amounting in all to not more than *four weeks*, shall not be deemed sufficient to invalidate the qualification of any man to be registered as a voter.

Change of qualification.

5. The qualification of any man to be registered as a voter shall not be invalidated by reason of the fact that the voter has occupied lodgings for a portion of the qualifying period and a dwelling-house for the remainder, or vice versâ, so long as the dwelling-house or lodgings are within the constituency or electoral division as aforesaid.

Register to be conclusive as to right to vote, but voter limited to one constituency.

6. The register of voters for any electoral constituency, as finally settled by the registration officer, shall be conclusive as to the right of every male person whose name appears therein to vote at any election for a member or members to serve in Parliament for such constituency during the period in which such register is in force.

Provided that no person shall be entitled to vote in more than one constituency at any general election which may take place subsequent to the *passing of this Act*. Any person voting in contravention of this provision shall be deemed guilty of an illegal practice, and be subject to the penalties imposed by the Corrupt Practices Act, 1883, for such an offence.

Registration of Voters.

Registration officer to be appointed.

7. As soon as may be after the *passing of this Act*, and from time to time as vacancies may arise, the town councils in cities and boroughs and the county councils and district councils in counties shall, within the respective constituencies over which they have jurisdiction, nominate and appoint for each consituency an officer, to be called the registration officer, to perform the duties herein-after provided; and the appointment of such officer shall be publicly notified in one or more newspapers circulating in the district, and shall remain in force for a period of *three years* from the date of such appointment.

A.D. 1895.

Duty of registration officer to ascertain names of persons entitled to be registered.

8. It shall be the duty of the registration officer in the months of *April* and *October* to inquire or ascertain with respect to every hereditament which comprises any dwelling-house or dwelling-houses within the meaning of the Representation of the People Acts, whether any man other than the owner or other person rated or liable to be rated in respect thereof, is entitled to be registered as a voter in respect of his being an inhabitant occupier or lodger in any such dwelling-house, tenement, or building.

Registration officer to serve requisition on occupiers and others.

9. For the purpose of the execution of such duty the registration officer shall serve on the person who is the occupier, or rated, or liable to be rated in respect of such dwelling-house, or on some agent of such person concerned in the management thereof, the requisition specified in the First Schedule to this Act, requiring that the form in that notice be accurately filled up and returned to the registration officer within *fourteen days* after the date of such notice; and if any such person or agent on whom such requisition is served fail to comply therewith, or to satisfy the registration officer that the omission to do so was unavoidable, he shall be proceeded against by the registration officer, and on summary conviction shall be liable to a fine not exceeding *forty shillings* for each default, mis-statement, or omission, and the registration officer who fails to perform his duty under this section shall be liable to be proceeded against by any elector and deemed guilty of a breach of duty in the execution of the Registration Acts, and shall be liable to be fined accordingly a sum not exceeding *forty shillings* for each default.

Service of notice.

10. The notice under the preceding section may be served in manner provided by the Representation of the People Acts with respect to the service on occupiers of notice of non-payment of rates, and where a body of persons corporate or incorporate is rated, shall be served on the secretary or agent of such body of persons, and where the dwelling-house by reason of belonging to the Crown or otherwise is not rated, shall be served on the chief local officer having the superintendence or control of such dwelling-house.

Registration officer to perform duties previously vested in returning officers, overseers, and other officers.

11. Subject to the provisions of this Act the registration officer shall have, possess, and exercise all the powers and duties which have been hitherto vested in and performed by returning officers, revising barristers, overseers, assessors, guardians, clerks of the unions, or other persons by whatever name known in respect to—

(*a.*) the making, publication, and completion of street lists of persons entitled or claiming to vote at the election of members to serve in Parliament;

A.D. 1895.

(*b.*) the printing, publication, and sale of copies of the register of voters after the same has been completed;

(*c.*) the registration of voters generally; and

(*d.*) the conduct of elections.

Registration officer disqualifiedfrom voting at elections.

12. The registration officer for any electoral constituency shall, while he continues to hold such office, be disqualified from being registered as a voter and from voting or taking part in any election for a member to serve in Parliament for the said constituency.

Registrar of deaths to send returns to registration officer.

13. The registrar of deaths of any district within an electoral constituency shall, during the months of *April* and *October*, send to the registration officer for such constituency a return showing the names and addresses of the adult male persons who have died during the preceding three months ending on the *thirty-first day of March* or *the thirtieth day of September* respectively; and upon any default or omission to send such list, he shall be proceeded against by the registration officer, and shall be liable to a fine not exceeding *forty shillings* for each default, mis-statement, or omission.

Preparation and amendment of register of voters.

14. Between the *first* and the *sixteenth days of May*, and the *first* and *sixteenth days of November* respectively, the registration officer shall, from the information which he has collected during the preceding months of *April* and *October* respectively, prepare a list of the persons qualified to vote, and on or before the *seventeenth day of May* and the *seventeenth day of November* respectively, shall deposit, or cause to be deposited, printed copies of the same at every post office, and with the secretary or other officer of each of the political associations or clubs in such constituency, for public inspection and reference, for a period of not less than fourteen days.

Within *fourteen days* from the date of depositing such copies as aforesaid, it shall be competent for any person whose name is omitted therefrom, and who claims a right to vote, to send to the registration officer a claim in the prescribed form contained in the First Schedule annexed hereto, stating the grounds of his alleged qualification, and the registration officer shall thereupon investigate such claim and determine whether the claimant is entitled to be placed upon the register of voters, and he shall amend the register accordingly.

Register of voters to come into operation.

15. The register of voters, revised and amended as prescribed in the preceding clause, shall be printed and published on or before the *twenty-first day of June* and the *twenty-first day of December* respectively, and shall come into operation on the *first day of*

January or the *first day of July* next following the completion of such register, and shall continue in operation for a period of six months from such date. A.D. 1895.

Conduct of Elections.

16. At any general election held subsequent to the *passing of this Act* the writs shall be issued on one and the same day, and public notice of such election shall be given by the returning officer on the first Thursday after the issue of such writ, and such notice shall state that the nomination will take place on the following Tuesday, and that in the event of a poll being necessary the same will take place on the Monday next following such nomination as aforesaid. Issue of writs, nomination and polling days.

17. Within *four* days of every election it shall be the duty of the returning officer to send by book post, to each person whose name appears upon the register of voters, a notice stating the registered number of such elector as contained in the register of voters, and naming the day, hours, and place at which the poll will be taken at any election. Any person other than a returning officer who shall issue any such notice shall be liable on summary conviction to a fine not exceeding *forty shillings* for each such notice sent or given to an elector. Notice of polling day to be sent by returning officer.

18. Nothing in this Act contained shall in any way affect the qualification of voters or the mode of conducting elections at any of the Universities. Saving as to the Universities.

19. The Acts mentioned in the Second Schedule hereto are hereby repealed to the extent in the third column of the said schedule mentioned except in so far as the enactments so repealed contain conditions made applicable to this Act by any provision enacted herein. Repeal.

A.D. 1895.

FIRST SCHEDULE.

1.

FORM OF REQUISITION BY THE REGISTRATION OFFICER REQUIRING NAMES OF RESIDENTS.

To *E.F.*,

You are hereby required to fill up accurately the form appended below.

This form will be called for on the day of , and unless it is accurately filled up and ready for delivery by the above-mentioned date, you will be liable under the Parliamentary Franchise Amendment Act, 1895, to a penalty not exceeding *forty shillings*.

Dated this day of 18 .

A.B.,
Registration Officer for the Electoral Constituency of .

FORM OF RETURN.

1.	2.	3.
Description of House or Premises.	Surname and other Name of every Man who on the 31st March or the 30th September last occupied Lodgings in the Dwelling-house or Premises specified in the First Column, or in any part thereof.	Period during which such Lodger has been in Occupation.

I declare that the above is a true and complete return.

(Signed) *E.F.*

Dated this day of 18 .

This form is to be substituted for Form "A" in the Second and Third Schedules to the Registration Act, 1885.

FORM OF CLAIM TO BE PLACED UPON THE ELECTORAL REGISTER.

To the Registration Officer of the .

My name having been omitted from the list of persons qualified to vote for the [borough *or* county division] of , I claim to have my name inserted in the said list made by you of parliamentary voters for the said [borough *or* county division] in respect of the qualification named below.

Dated the day of 18 .

Name of Claimant in full Surname being first.	Place of Abode.	Nature of Qualification, whether as Householder or Lodger, and Period of Occupation.	Description of Qualifying Property.

(Signed) *A.B.*

SECOND SCHEDULE.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
30 & 31 Vict. c. 102. -	Representation of the People Act, 1867.	Sections 3 and 4.
31 & 32 Vict. c. 48. -	Representation of the People (Scotland) Act, 1868.	Sections 3 and 4.
31 & 32 Vict. c. 49. -	Representation of the People (Ireland) Act, 1868.	Section 4.
41 Vict. c. 3. - -	House Occupiers Disqualification Removal Act, 1878.	The whole Act.
41 Vict. c. 5. - -	House Occupiers Disqualification (Scotland) Act, 1878.	The whole Act.
41 & 42 Vict. c. 26. -	Parliamentary and Municipal Registration Act, 1878.	Sections 6 and 22.
48 Vict. c. 3. - -	Representation of the People Act, 1884.	Sub-sections 2, 3, 4, 5, 7, 8, and 9 of section 9.
48 Vict. c. 16. -	Registration Amendment (Scotland) Act, 1885.	Section 13.

Parliamentary Voters Registration.

A

B I L L

To amend the Law for the Registration of Parliamentary Voters; and for other purposes relating to Elections.

(*Prepared and brought in by Mr. Cremer, Mr. William Abraham, Mr. John Wilson (Durham), Mr. Fenwick, Mr. James Rowlands, and Mr. Woods.*)

Ordered, by The House of Commons, *to be Printed*, 24 *May* 1895.

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[*Price* 1½*d.*]

[Bill 280.]

Patents, Designs, and Trade Marks Acts (1883 to 1888) Amendment Bill.

MEMORANDUM.

The object of this Bill is to remedy some of the defects in our Patent Law which give rise to difficulties in its practical working. The nature of its principal provisions will be gathered from the following short summary :—

(*a.*) By the existing law an inventor loses all right to a patent if his invention has become known to any member of the public, even though it be by accident or the fraud of another person. This rule it is proposed to relax in cases where the publication has taken place without the inventor's knowledge or consent.

(*b.*) A period of some months is by statute allowed to an inventor after he has obtained provisional protection to develop and perfect his invention. During this period, however, he is liable to have his improvements patented by others, even though he is the first to arrive at them. By this Bill means are provided whereby he can secure his priority in respect of those improvements of which he is the first and true inventor.

(*c.*) Cases arise in which obscure and forgotten references in old books are cited as anticipations of meritorious inventions. Following the example of certain other countries, it is proposed that an invention shall not be held to be anticipated unless there has been publication or user in the last fifty years.

(*d.*) By our law any flaw in a patent makes it wholly invalid, and the remedy by disclaimer can only be applied by a procedure which causes great delay and often heavy expense. It is proposed to remedy this by giving a power of immediate disclaimer in the type of case which is of most frequent occurrence.

(*e.*) The Bill contains provisions for expediting the trial of cases where continuing infringement is alleged, and thus preventing delay in settling the points in controversy.

There are other provisions of minor importance directed to attain similar objects, but from their technical character they do not admit of being explained in a brief memorandum.

A

B I L L

TO

Amend the Patents, Designs, and Trade Marks Acts, 1883 to 1888. A.D. 1895.

WHEREAS it is expedient to amend the Patents, Designs, and Trade Marks Acts, 1883 to 1888.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Letters patent not to be invalidated by unintentional prior publication.

1. No letters patent granted to the first and true inventor of any invention shall be held to be invalid by reason of such invention or any part thereof having been published prior to the date of such letters patent, provided that such publication was made inadvertently or without his knowledge and consent, and that the matter of the same was derived from him, and provided that he applied for and obtained protection for his invention with all reasonable diligence after learning of such publication in case it came to his knowledge prior to the date of such letters patent.

Supplementary provisional specifications.

2. Any person or persons who have obtained provisional protection for an invention may, at any time prior to the acceptance of the complete specification, file supplementary provisional specifications in respect of developments or improvements invented by them, or any of them, of the invention for which such protection was originally granted; and any such supplementary provisional specification shall have the same effect as to protecting such inventions as if it were a provisional specification of like date.

Disconformity.

3. After the grant of letters patent no objection shall be allowed to the validity of the same on the ground of disconformity between the complete specification and the provisional specification or specifications.

A.D. 1895.

Amendment of 46 & 47 Vict. c. 57. s. 11.

4. Section four of the Patents, Designs, and Trade Marks Act, 1888, is repealed, and subsection one of section eleven of the Patents, Designs, and Trade Marks Acts, 1883, shall read as follows:—

Any person may, at any time within *two months* from the date of the advertisement of the acceptance of a complete specification, give notice at the patent office of opposition to the grant of the patent on one or more of the following grounds:—

(*a.*) That the applicant has obtained the invention from him or from a person of whom he is the legal representative.

(*b.*) That the invention has been patented in this country on an application of prior date.

(*c.*) That the complete specification claims an invention which is the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification, and which is not contained in the provisional specification or any supplementary provisional specification of prior date to such application.

Anticipation of ancient date.

5. No letters patent shall be held to be invalid by reason of any prior publication or user at a date more than *fifty years* prior to the date of such letters patent.

Amendment of 48 & 49 Vict. c. 63. s. 4.

6. Section four of the Patents, Designs, and Trade Marks Act, 1885, shall be amended by adding thereto the words "until the "expiration of *three years* from the date of such application, and "no such publication shall be deemed to be a prior publication so "as to invalidate any subsequent application for letters patent."

Amendment of 46 & 47 Vict. c. 57. s. 8.

7. In section eight of the Patents, Designs, and Trade Marks Act, 1883, the word "six" shall be substituted for "nine."

Disclaimer.

8. Where a complete specification contains more than one distinct claiming clause the patentee may at any time by notice in writing to the Comptroller disclaim any one or more of such claiming clauses, provided that no such disclaimer shall be made which would leave the specification without at least one distinct claim.

Right to put disclaimed specification in evidence.

9. Where a patent is amended by disclaimer during the pendency of any action for infringement, or petition for revocation, or action of interdict or reduction relating to such patent, the patentee shall be entitled to put the disclaimed specification in evidence, subject to such terms as the court shall impose as to costs, expenses, or damages.

A.D. 1895.

Procedure in action for continuing infringement.

10. In any action for infringement of letters patent in which continuing infringement is alleged, the plaintiff may deliver his statement of claim and particulars of breaches with the writ, and in such case either party may enter the action for trial so soon as appearance is entered for the defendant, or at any time thereafter, notwithstanding that the pleadings are not then closed; but no such action shall come on for trial until three weeks after the delivery of the defence and particulars of objections without the consent of the plaintiff.

Short title and construction.

11. This Act may be cited as the Patents, Designs, and Trade Marks Act, 1895, and shall be read as one with the Patents, Designs, and Trade Marks Acts, 1883 to 1888, and this Act and the Patents, Designs, and Trade Marks Acts, 1883 to 1888, may be cited collectively as the Patents, Designs, and Trade Marks Acts, 1883 to 1895.

Patents, Designs, and Trade Marks Acts (1883 to 1888) Amendment.

A

B I L L

To amend the Patents, Designs, and Trade Marks Acts, 1883 to 1888.

(*Prepared and brought in by Mr. Moulton, Sir Richard E. Webster, Sir W. Houldsworth, Sir A. Rollit, Mr. Haldane, and Mr. E. Blake.*)

Ordered, by The House of Commons, *to be Printed*, 1 *April* 1895.

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[*Price* 1*d.*]

[Bill 189.]

A

B I L L

TO

Provide for the Payment of Jurors in Ireland, and for other purposes connected therewith. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Payment of Jurors (Ireland) Act, 1895.

Extent of Act.

2. This Act shall extend to Ireland only.

Interpretation.

3. In the construction of this Act the following words shall have the meanings herein-after assigned to them:—

"County" shall include county of a city, county of a town, and the city and county of Londonderry.

"Sheriff" shall include under-sheriff.

"Common juror" shall mean all persons summoned for the purpose of trying common jury issues, civil or criminal, before the judge or judges of assize, or judges of the High Court of Justice in Ireland presiding at the sittings of the commission in Dublin, or at the sittings for trials by jury in Dublin.

"Grand jury" shall include any body empowered to make presentments for a county.

Amount of remuneration.

4. Common jurors shall be entitled to the following remuneration for their services; that is to say:—

Every juror residing within a radius of ten miles from the court-house to which he is summoned to attend as a juror, at the rate of *five shillings* for every day of his attendance.

Every juror residing outside a radius of ten miles from such court-house, at the rate of *seven shillings and sixpence* for every day of his attendance.

Such distance shall be determined by reference to the Ordnance map.

[Bill 85.]

A.D. 1895.

Duty of sheriff.

5. It shall be the duty of the sheriff to pay to the jurors entitled thereto within his bailiwick on application made, the above remuneration within six days after the determination of the assizes. Provided always, that no juror shall be entitled to remuneration for any day on which he shall have failed to answer to his name when called in court, unless it is otherwise directed by the judge. Every juror shall, before payment, be required by the sheriff to make a declaration as to the number of days he has attended. The sheriff is hereby authorised to take and receive such declaration, and if any declaration shall be false or untrue in any material particular, the person wilfully making such false declaration shall be deemed guilty of a misdemeanour.

Powers of grand jury.

6. It shall be lawful for the grand jury of every county from time to time at the next ensuing assizes or presenting term, and they are hereby required, without previous application at presentment sessions or otherwise, to present all such sums as they shall think reasonable and necessary for providing the above-mentioned remuneration, and for defraying other expenses attending the execution of this Act; and also such sums by way of compensation to the sheriffs for the duties imposed on them by this Act, as the grand jury shall consider just and reasonable.

Payment of expenses in the case of a trial taking place in a different county to that in which the offence was committed.

7. In the case of a criminal offence committed elsewhere than in the county where the trial takes place, or on the trial of civil issues, where the cause of action has arisen elsewhere than in the county where the trial takes place, the judge may at the hearing order that the remuneration of the jury, and other expenses consequent upon the hearing, shall be repaid by the county where the offence was committed or the cause of action arose, and shall assess the amount as he shall think right; and in such case the said sum so assessed shall be repaid by the treasurer of the county in which the offence has been committed, or the cause of action has arisen, to the treasurer of the county in which the trial has taken place.

Grand jury to provide proper accommodation for jurors.

8. It shall be the duty of the grand jury of every county to provide suitable waiting rooms and accommodation in the court house to which the afore-mentioned jurors are summoned.

Payment of Jurors (Ireland).

A

B I L L

To provide for the Payment of Jurors in Ireland, and for other purposes connected therewith.

(*Prepared and brought in by Mr. Ross, Lord Frederic Hamilton, Mr. Maurice Healy, Mr. John Redmond, Captain M'Calmont, and Sir Thomas Lea.*)

Ordered, by The House of Commons, *to be Printed*, 11 *February* 1895.

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[Bill 85.]

A

B I L L

TO

Remove the Disabilities of Peers on succeeding to their Titles, in respect of sitting in the House of Commons. A.D. 1895.

WHEREAS it is expedient to remove certain disqualifications attaching to persons succeeding to the Peerage and to make provision for enabling them to serve as Members of Parliament in the House of Commons:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Peers Disqualification Removal Act, 1895. Short title.

2. *From and after the passing of this Act* any person succeeding to a Peerage shall not thereby be disqualified from being elected to serve after any election, if he shall so think fit, or from serving or continuing to serve, if he shall so think fit, for any county or borough of the United Kingdom in the House of Commons of the United Kingdom, provided that any person so elected to serve or serving or continuing to serve shall during the continuance of any Parliament then summoned or being holden be disqualified from sitting or voting in the House of Lords or in any committee thereof, and shall not be entitled to claim any privileges in right of his Peerage, and further, if a Peer of Scotland (or Ireland), shall be disqualified from being elected to sit and vote in the House of Lords.

3. If any person for the time being disqualified by this Act from sitting and voting in the House of Lords sits or votes or attempts to sit or vote in that House or in any committee thereof, he shall be guilty of a breach of privilege, and be dealt with as the House of Lords may direct. Penalty for disqualified person sitting in House of Lords.

[Bill 23.]

A.D. 1895.

Person sitting in House of Lords disqualified from being elected to House of Commons.

4. Any person at any time sitting or voting in the House of Lords shall be thenceforth disqualified from being elected to serve or from serving or continuing to serve for any county or borough of the United Kingdom in the House of Commons of the United Kingdom.

No writ of summons to be issued to disqualified peers.

5. A writ of summons shall not be issued to any Peer for the time being disqualified from sitting or voting in the House of Lords.

Saving as to persons claiming peerage.

6. Nothing in this Act shall exclude any person from afterwards putting in a claim to any Peerage by reason of any ancestor having been rendered incapable for the time being of sitting and voting in the House of Lords under this Act or by reason of any other disability incurred by an ancestor under this Act.

Definitions.

7. The expressions "election," "county," and "borough," and other expressions in this Act, shall have the same meaning, so far as may be consistent with the tenor of this Act, as in the enactments for the time being in force in England, Scotland, and Ireland respectively, relating to the representation of the people.

Peers Disabilities Removal.

A

B I L L

To remove the Disabilities of Peers on succeeding to their Titles, in respect of sitting in the House of Commons.

(*Prepared and brought in by Mr. Curzon, Mr. Brodrick, and Viscount Wolmer.*)

Ordered, by The House of Commons, *to be Printed*, 8 *February* 1895.

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[*Price* ½*d.*]

[Bill 23.]

Perjury Bill. [H.L.]

MEMORANDUM.

The object of this Bill is to consolidate and simplify the enactments relating to perjury and false statements, and to express the law in such a form as will remove the necessity for much special legislation in the future. The Bill will supersede and repeal provisions contained in more than 150 different Acts.

Perjury Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Perjury.
2. False statements on oath.
3. False statements not on oath.
4. Using false statement.
5. Application of 22 & 23 Vict. c. 17.
6. Power to convict of making false oath on indictment for perjury.
7. Provisions as to indictments.
8. Person charged with offence, and wife or husband, a competent witness.
9. Power to commit for perjury.
10. Provision as to trial of offences.
11. Exclusion of jurisdiction of quarter sessions.
12. Provisions as to proceedings in Ireland.
13. Definitions.
14. Explanation of references in other Acts.
15. Saving as to offences punishable as perjury under other Acts.
16. Repeal.
17. Extent.
18. Commencement.
19. Short title.

SCHEDULE.

A

B I L L

INTITULED

An Act to consolidate and amend the Law relating to Perjury and kindred offences. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Perjury.

1.—(1.) If any person, being lawfully sworn in the course of any judicial proceeding, wilfully makes a statement false in any particular material in the proceeding, he shall be guilty of the offence of perjury.

(2.) Whoever commits the offence of perjury shall be guilty of a misdemeanor, and shall be liable, on conviction on indictment, to penal servitude for a term not exceeding seven years, or to imprisonment for a term not exceeding two years, with or without hard labour, and to fine in lieu of or in addition to such imprisonment as aforesaid.

False statements on oath.

2.—(1.) If any person, being required or authorised by law to make any statement on oath, and being lawfully sworn, otherwise than in the course of a judicial proceeding, wilfully makes a statement false in any material particular, he shall be guilty of the offence of making a false statement on oath.

(2.) Whoever commits the offence of making a false statement on oath shall be guilty of a misdemeanor, and shall be liable on conviction on indictment to the like punishment as for the offence of perjury.

False statements not on oath.

3.—(1.) If any person, in any statutory declaration or in any statement required for any purpose under an Act of Parliament, or under any Order in Council, rule, byelaw, or other instrument made in pursuance of an Act of Parliament, wilfully makes, otherwise than on oath, a statement false in any material particular, he shall be guilty of the offence of making a false statement.

A.D. 1895.

(2.) Whoever commits the offence of making a false statement within the meaning of this section, shall be guilty of a misdemeanor, and shall be liable on conviction on indictment to imprisonment for a term not exceeding two years with or without hard labour, and on summary conviction to imprisonment for a term not exceeding four months with or without hard labour, and in either case to fine in lieu of or in addition to such imprisonment as aforesaid. Provided that the fine imposed on summary conviction shall not exceed one hundred pounds.

Using false statement.

4.—(1.) If any person, wilfully and with intent to deceive, uses or attempts to use any false statement the making of which is an offence under this Act, he shall be guilty of the offence of using a false statement.

(2.) Whoever commits the offence of using a false statement shall be guilty of a misdemeanor, and shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, with or without hard labour, and on summary conviction to imprisonment for a term not exceeding four months, with or without hard labour, and in either case to fine, in lieu of or in addition to such imprisonment as aforesaid. Provided that the fine imposed on summary conviction shall not exceed one hundred pounds.

Application of 22 & 23 Vict. c. 17.

5. The Vexatious Indictments Act, 1859, shall apply in the case of any offence under this Act, and of any offence which under any enactment for the time being in force is punishable as perjury, in like manner as if that offence were an offence mentioned in section one of the said Vexatious Indictments Act.

Power to convict of making false oath on indictment for perjury. [See 24 & 25 Vict. c. 96. s. 72.]

6. If on the trial of any person indicted for perjury it is proved that he made a statement on oath the making of which would constitute the offence of making a false statement on oath, but it is not proved that the statement was made in the course of a judicial proceeding, he shall not by reason thereof be entitled to be acquitted, but the jury may return as their verdict that he is not guilty of perjury, but is guilty of the offence of making a false statement on oath; and thereupon he shall be liable to be punished in the same manner as if he had been convicted on indictment for such an offence.

Provisions as to indictments. [See 14 & 15 Vict. c. 100. ss. 20, 21, 22.]

7.—(1.) In an indictment for perjury, or for making or using a false statement, it shall be sufficient to set forth the substance of the offence charged, and before what court or person, if any, the offence was committed, without setting forth the pleadings or any part of the proceedings (if any) in the course of which the offence was committed, and without setting forth the

commission or authority of any court or person before whom the offence was committed. A.D. 1895.

(2.) In an indictment for subornation of perjury or for procuring or inciting to the commission of the offence of perjury or the offence of making or using a false statement, it shall be sufficient, where the offence of perjury or of making or using a false statement has been committed, to allege that offence, and then to allege that the accused person procured the commission of the offence; and, where the offence of perjury or of making or using a false statement has not been committed, then to set forth the substance of the offence charged, without setting forth or averring any matters or things unnecessary to be set forth or averred in the case of an indictment for perjury.

(3.) For the purpose of any prosecution for the offence of perjury or of making a false statement on oath, or for subornation of perjury or for procuring or inciting to the commission of the offence of perjury or of making or using a false statement on oath, a person shall be deemed to have been lawfully sworn, where the oath taken by him was administered to him by a court or person having power to administer an oath, and was so administered in the course of the ordinary exercise of the powers or functions of that court or person.

(4.) For the purpose of any prosecution for the offence of using a false statement, or for procuring or inciting to the commission of that offence, it shall be sufficient to allege or prove generally intent to deceive without alleging or proving intent to deceive any particular person.

(5.) A certificate containing the substance and effect only (omitting the formal part) of the indictment and trial for any felony or misdemeanor, purporting to be signed by the clerk of the court or other person having the custody of the records of the court where the indictment was tried, or by the deputy of that clerk or other person, shall upon the trial of any indictment for perjury or subornation of perjury or procuring or inciting to the commission of perjury be sufficient evidence of the trial of the indictment for felony or misdemeanor, without proof of the signature or official character of the person appearing to have signed the same.

Person charged with offence, and wife or husband, a competent witness.

8. Every person charged with an offence under this Act, and the wife or husband, as the case may be, of the person so charged, shall be a competent witness, whether the person so charged is charged solely or jointly with any other person. Provided as follows :—

(*a.*) A person so charged shall not be called as a witness in pursuance of this section without his consent;

A.D. 1895.

(*b.*) The wife or husband of the person charged shall not be called as a witness in pursuance of this section without the consent of the person so charged;

(*c.*) A person charged and being a witness in pursuance of this section shall not have the right to refuse to answer any question on the ground that it would tend to criminate him as to the offence charged;

(*d.*) A person called as a witness in pursuance of this section shall not be asked, and if asked shall not be required to answer, any question tending to show that any person charged has committed or been convicted of any offence other than that wherewith he is then charged, or is of bad character unless—

(i.) the proof that he has committed or been convicted of such other offence is admissible evidence to show that he is guilty of the offence wherewith he is then charged; or

(ii.) the person charged has asked questions of the witnesses for the prosecution with a view to establish his good character, or called witnesses to his good character, or otherwise has given evidence of good character.

Power to commit for perjury. [14 & 15 Vict. c. 100. s. 19. 14 & 15 Vict. c. 57. s. 157.]

9.—(1.) Where any of the following authorities, namely, any judge of or person presiding at a court of record, or any court of summary jurisdiction, or any sheriff or other officer before whom a writ of inquiry or writ of trial is executed, is of opinion that any person has in the course of proceedings before that authority been guilty of perjury, the authority may order the prosecution of that person, and either commit him for trial at the proper court, or require him to enter into a recognisance to take his trial at the proper court, or direct that he be taken before a justice for that purpose, and may require any person to enter into a recognisance to prosecute or give evidence against the person whose prosecution is so ordered, and may give any person so bound to prosecute an order for the prosecution.

(2.) Where a prosecution for perjury is ordered in pursuance of this section, or the propriety of a prosecution for perjury is certified by an authority having power to order the prosecution in pursuance of this section, the expenses of the prosecution shall, unless the court otherwise directs, be paid as expenses of a prosecution for felony.

(3.) Any order or certificate under this section shall not be given in evidence for the purpose of or in the course of any trial of a prosecution resulting therefrom.

A.D. 1895.

Provision as to trial of offences.

10.—(1.) The provisions of this Act shall extend to any offence under this Act committed in any part of Her Majesty's dominions, including Scotland, or by any subject of Her Majesty outside Her Majesty's dominions—

(*a*) for the purpose of any proceeding or matter in England, Wales or Ireland, or

(*b*) before any person having power under the Commissioners for Oaths Acts, 1889 and 1891, to administer an oath. 52 & 53 Vict. c. 10. 54 & 55 Vict. c. 50.

(2.) Where a person commits out of the United Kingdom any offence to which the provisions of this Act are by this section declared to extend, the offence may be inquired of, dealt with, tried and punished in any county or place in the United Kingdom in which the person charged with the offence was apprehended, or is in custody, and for all purposes preliminary or incidental to or consequential on the trial or punishment the offence shall be deemed to have been committed in that county or place.

Exclusion of jurisdiction of quarter sessions.

11. The offences of perjury and making a false statement on oath and of procuring or inciting to either of those offences shall not be triable at quarter sessions in England or Wales.

Provisions as to proceedings in Ireland.

12.—(1.) Where a person is charged in Ireland with an offence punishable on summary conviction under this Act, he may, on appearing before a court of summary jurisdiction, declare that he objects to being tried for the offence by a court of summary jurisdiction, and thereupon the court shall deal with the case in all respects as if the person were charged with an indictable offence, and not an offence punishable on summary conviction, and the offence may be prosecuted on indictment accordingly.

(2.) The offence of perjury shall continue to be, and every offence under this Act shall be, triable at quarter sessions in Ireland.

Definitions.

13. In this Act—

The expression "statement" shall include a statement in writing, and expressions referring to a false statement shall, unless the contrary intention appears, be construed as including any false statement, whether made on oath or not:

The expression "indictment" shall include an information in the High Court. [14 & 15 Vict. c. 100. s. 30.]

The expression "offence under this Act" shall include the procuring or inciting to any offence under this Act.

Explanation of references in other Acts.

14. A reference in any enactment to wilful and corrupt perjury shall be construed as a reference to perjury within the meaning of this Act, and a reference to subornation of perjury shall be construed as a reference to procuring the commission of perjury.

A.D. 1895.

Saving as to offences punishable as perjury under other Acts.

15. Nothing in this Act shall be construed as diminishing the penalty for any offence which under any enactment for the time being in force is punishable as perjury.

Repeal.

16. The enactments specified in the schedule to this Act are hereby repealed as to the whole of the United Kingdom, to the extent specified in the third column of that schedule.

Extent.

17. This Act shall not, except as by this Act expressly provided, extend to Scotland.

Commencement.

18. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-six.

Short title.

19. This Act may be cited as the Perjury Act, 1895.

SCHEDULE.

A.D. 1895.

ENACTMENTS REPEALED.

Section 16.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
32 Hen. 8. c. 9.	Agenst maintenaunce and embracery byeng of titles, &c.	In section three the words "or "suborne any witnes by ĩres, "rewardis, promises, or by "any other sinistre labour or "meanes," and the words "or "to the procurement or occa- "sion of any manner of p̃jury "by false verdict or otherwise."
5 Eliz. c. 9.	An Act for the Punyshement of suche persones as shall procure or comit any wyllful Perjurye.	The whole Act.
28 Eliz. c. 1. (Irish.)	An Act concerning Willfull Perjurie.	The whole Act.
10 Chas. I., sess. 3. c. 15. (Irish.)	An Act against maintenance, embracery, &c., and against unlawful buying of titles.	In section three the words "or "suborne any witnesses by "letters, rewards, promises, or "any other sinister labour or "means," and the words "or to "the procurement or occasion "of any manner of perjury "by false verdict or otherwise."
4 Wm. & Mar. c. 4. (Irish.)	An Act for taking affidavits in the Country to be made use of in the Courts of King's Bench, Common Pleas, and Exchequer.	Section three.
1 Ann. stat. 2. c. 9.	An Act for punishing of Accessories to felonys and Receivers of stolen Goods, and to prevent the wilful burning and destroying of Ships.	Section three from "and if convicted" to the end of the section.
6 Anne c. 2. (Irish.)	An Act for the Publick Registring of all Deeds, Conveyances, and Wills that shall be made of any Honors, Manors, Lands, Tenements, or Hereditaments.	Section seventeen, from the words "and that if any person "or persons shall at any time "forswear himself," to the end of the section.

A.D. 1895.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
8 Anne c. 10. - (Irish.)	An Act, the title whereof begins with the words, "An Act for "amending," and ends with the words "or hereditaments."	Section four, from the words "and that if any person or "persons shall at any time "forswear him, or herself," to the end of the section.
9 Anne c. 6. - (Irish.)	An Act, the title whereof begins with the words, "An Act for "taking away the benefit of "clergy," and ends with the words "for transporting "felons."	Section nine, from the words "and if any witness be con- "victed," to the end of the section.
8 Geo. 1 c. 15. (Irish).	An Act for explaining and amending two several Acts in relation to the publick registring of all deeds, conveyances, and wills.	Section four, from the words, "and if any person or persons "shall at any time forswear "him or herself," to the end of the section.
2 Geo. 2. c. 25. -	An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury.	The whole Act.
3 Geo. 2 c. 4 - (Irish).	An Act, the title whereof begins with the words, "An "Act for the more effectual "preventing," and ends with the words, "vagabonds "and others."	The whole Act.
24 Geo. 3. sess. 2. c. 25.	The East India Company Act, 1784.	In section seventy-five, from "and if any such witness" to the end of the section.
31 Geo. 3. c. 18. (Irish.)	An Act to render Prosecutions for Perjury, and Subornation of Perjury, more easy and effectual, and for affirming the Jurisdiction of the Quarter Sessions in cases of Perjury.	The whole Act.
35 Geo. 3. c. 29. (Irish.)	An Act for regulating the Election of Members to serve in Parliament, and for repealing the several Acts therein mentioned.	Sections seventy-two and seventy-four, and section seventy-five, from the words, "and that it shall be sufficient "in any indictment" to the words "return thereof."

Session and Chapter.	Title or Short Title.	Extent of Repeal.
41 Geo. 3. c. 105.	An Act to authorize the Judges to whom Petitions for certain Bills shall be referred, to examine witnesses on oath.	In section one, the words "and "every person who shall take "such oath shall be punishable "for any false evidence he "shall give under such oath "in the same manner."
41 Geo. 3. c. 109.	The Inclosure (Consolidation) Act, 1801.	Section forty-three.
42 Geo. 3. c. 85.	An Act, the title of which begins with the words, "An "Act for the trying," and ends with the words "Safe "Custody."	Section five.
42 Geo. 3. c. 116.	The Land Tax Redemption Act, 1802.	Section one hundred and ninety-three.
48 Geo. 3. c. 110.	The Herring Fishery (Scotland) Act, 1808.	Section forty-nine, from "and "if any person" to the end of the section.
48 Geo. 3. c. 140.	The Dublin Police Magistrates Act, 1808.	Section one hundred and twenty-four.
48 Geo. 3. c. 149.	An Act the title whereof begins with the words, "An Act for repealing the Stamp "Duties" and ends with the words "new Duties in lieu "thereof."	Section thirty-seven, from "and "if any person or persons "making any such affidavit" to the end of the section.
49 Geo. 3. c. 120.	The Militia (Ireland) Act, 1809	Section one hundred and forty-eight, from "and every person "who shall knowingly" to the end of the section.
52 Geo. 3. c. 38.	The Militia (England) Act, 1812.	In section forty-six from "and every person who shall make" to the end of the section. In section forty-seven the words "or shall make any false de-"claration in that behalf." Section two hundred and eight.
53 Geo. 3. c. 107.	An Act for the appointment of Commissioners for the Regulation of the Several Endowed Schools of Public and Private Foundation in Ireland.	Section thirty.
54 Geo. 3. c. 159.	The Harbours Act, 1814	Section twenty-five.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
55 Geo 3. c. 157.	An Act for the better Examination of Witnesses in the Courts of Equity in Ireland, and for empowering the Courts of Law and Equity in Ireland to grant Commissions for taking Affidavits in all Parts of Great Britain.	Section eight. Section nine from "and all and every" to the end of the section.
56 Geo. 3. c. 46.	The Civil List Audit Act, 1816	Section eleven.
56 Geo. 3. c. 56.	An Act the title whereof begins with the words "An "Act to repeal the several "Stamp Duties" and ends with the words "the said Duties."	Section one hundred and thirty-one from "and if any person or persons making any such affidavit" to the end of the section.
1 & 2 Geo. 4. c. 53.	An Act to regulate the proceedings in the Civil Side of the Court of King's Bench, and also in the Court of Common Pleas, and in the Pleas or Common Law side of the Court of Exchequer in Ireland.	Section seventy.
1 & 2 Geo. 4. c. 121.	An Act to amend an Act passed in the fifty-fourth year of His late Majesty, for the effectual Examination of the Accounts of certain Colonial Revenues.	Section twenty-eight.
3 Geo. 4. c. 114.	An Act to provide for the more effectual Punishment of certain Offences by Imprisonment with Hard Labour.	In section one the words "wilful "and corrupt perjury or of "subornation of perjury."
3 Geo. 4. c. 116.	An Act for the more convenient and effectual registering in Ireland Deeds executed in Great Britain.	Section seven.

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Session and Chapter.	Title or Short Title.	Extent of Repeal.
6 Geo. 4. c. 78.	The Quarantine Act, 1825 -	Section twenty-nine from "and if any person" to the end of the section.
7 Geo. 4. c. 9. -	An Act to provide for the more effectual Punishment of certain Offences in Ireland, by Imprisonment with Hard Labour.	In section one the words "wilful "and corrupt perjury or sub- "ornation of perjury."
7 Geo. 4. c. 16. -	An Act to consolidate and amend several Acts relating to the Royal Hospitals for Soldiers at Chelsea and Kilmainham.	Section twenty-eight.
7 Geo. 4. c. 46. -	The Country Bankers Act, 1826	Section eighteen from "and if any such secretary" to the end of the section.
7 & 8 Geo. 4. c. 53.	The Excise Management Act, 1827.	Section thirty-one.
10 Geo. 4. c. 24.	The Government Annuities Act, 1829.	Section forty-four.
10 Geo. 4. c. 50.	The Crown Lands Act, 1829 -	Section eighty-three.
11 Geo. 4. and 1. Will. 4 c. 54.	An Act to revive, continue, and amend several Acts relating to the Fisheries	Section three, from "and if any "person" to the end of the section.
1 Will. 4. c. 22.	An Act to enable Courts of Law to order the Examination of Witnesses upon Interrogatories and otherwise.	Section seven from "and if upon "such oath or affirmation" to the end of the section.
1 & 2 Will. 4. c. 4.	An Act to abolish certain Oaths and Affirmations taken and made in the Customs and Excise Departments of His Majesty's Revenue, and to substitute declarations in lieu thereof.	Section one, from "and if any "such" to the end of the section.
1 & 2 Will. 4. c. 33.	The Public Works (Ireland) Act, 1831.	Section ninety-three.
2 & 3 Will. 4. c. 53.	The Army Prize Money Act, 1832	Section forty-five.

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Session and Chapter.	Title or Short Title.	Extent of Repeal.
3 & 4 Will. 4. c. 41.	The Judicial Committee Act, 1833.	Section nine from "and every "such witness" to the end of the section.
3 & 4 Will. 4. c. 49.	An Act to allow Quakers and Moravians to make Affirmation in all cases where an Oath is or shall be required.	Section one from "and if any "such person" to "notwith- "standing."
5 & 6 Will. 4. c 62.	The Statutory Declarations Act, 1835.	Section five. Section twelve from "and all "and every" to the end of the section. Section eighteen from "and if "any declaration" to the end of the section. Section twenty-one.
6 & 7 Will. 4. c. 11.	The Registration of Aliens Act, 1836.	In section nine the words "shall "wilfully make or transmit "any false declaration or."
6 & 7 Will. 4. c. 71.	The Tithe Act, 1836 - -	Section ninety-three, from the beginning of the section to "penalties of perjury; and."
1 & 2 Vict. c. 28	The Bread (Ireland) Act, 1838	Section twenty-one.
1 & 2 Vict. c. 37.	An Act to empower the Foreman or any other Member of Grand Juries in Ireland to administer Oaths to witnesses on Bills of Indictment.	Section two.
1 & 2 Vict. c. 56.	The Poor Relief (Ireland) Act, 1838.	Section thirteen, from the beginning of the section to "penalties of perjury; and."
1 & 2 Vict. c. 77.	An Act for permitting Affirmation to be made instead of an Oath in certain cases.	Section one from "and if any "such person" to "are or "shall be subject."
1 & 2 Vict. c. 105.	An Act to remove Doubts as to the Validity of certain Oaths.	Section one from "and every such "person" to the end of the section.
1 & 2 Vict. c. 109.	The Tithe Rentcharge (Ireland) Act, 1838.	Section fifty-three.
2 & 3 Vict. c. 71.	The Metropolitan Police Courts Act, 1839.	Section twenty-three.
3 & 4 Vict. c. 86.	The Church Discipline Act, 1840.	Section eighteen from "and "every such witness" to the end of the section.
3 & 4 Vict. c. 97.	The Railway Regulation Act, 1840.	Section four.

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Session and Chapter.	Title or Short Title.	Extent of Repeal.
3 & 4 Vict. c. 105.	The Debtors (Ireland) Act, 1840.	Section seventy-eight.
3 & 4 Vict. c. 108.	The Municipal Corporations (Ireland) Act, 1840.	Section sixty-six from "and if "any person shall wilfully" to the end of the section. Section eighty-five, from "and every mayor" to end of section.
5 & 6 Vict. c. 38.	An Act to define the Jurisdiction of Justices in General and Quarter Sessions of the Peace.	In section one the following words :— "6. Perjury and subornation of perjury: "7. Making or suborning "any other person to make "a false oath, affirmation, "or declaration, punishable as perjury or as a "misdemeanor :"
6 & 7 Vict. c. 18.	The Parliamentary Voters Registration Act, 1843.	In section forty-one the words "and every person taking any "oath or affirmation under "this Act who shall wilfully "swear or affirm falsely shall "be deemed guilty of perjury." In section eighty-one the words "and if any person shall wilfully make a false answer to "either of the questions aforesaid he shall be deemed "guilty of a misdemeanor, and "shall and may be indicted "and punished accordingly."
6 & 7 Vict. c. 86.	The London Hackney Carriages Act, 1843.	In section fourteen the words "who shall make or cause to "be made any false representation in regard to any of "the said particulars, or" and "the words "or shall not "truly answer all questions "which shall be demanded of "him in relation to such application for a licence, and also "any person to whom reference "shall be made, who shall in "regard to such application "wilfully and knowingly make "any misrepresentation."
6 & 7 Vict. c. 92.	The Poor Relief (Ireland) Act, 1843.	In section twenty-five from "shall knowingly and fraudulently" down to "additional votes or."

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Session and Chapter.	Title or Short Title.	Extent of Repeal.
8 & 9 Vict. c. 18.	The Lands Clauses Consolidation Act, 1845.	Section one hundred and forty-nine.
8 & 9 Vict. c. 20.	The Railways Clauses Consolidation Act, 1845.	Section one hundred and sixty.
8 & 9 Vict. c. 115.	An Act for the Appointment of a Taxing Master for the High Court of Chancery in Ireland.	Section five.
8 & 9 Vict. c. 118.	The Inclosure Act, 1845 -	In section one hundred and sixty-four the words "shall "wilfully give false evidence, "or shall make or subscribe "a false declaration for the "purposes of this Act, or."
9 & 10 Vict. c. 37.	The Coroners (Ireland) Act, 1846.	Section forty-five.
10 & 11 Vict. c. 14.	The Markets and Fairs Clauses Act, 1847.	Section fifty-seven.
10 & 11 Vict. c. 15.	The Gas Works Clauses Act, 1847.	Section forty-four.
10 & 11 Vict. c. 16.	The Commissioners Clauses Act, 1847.	Sections thirteen and one hundred and eight.
10 & 11 Vict. c. 17.	The Waterworks Clauses Act, 1847.	Section eighty-nine.
10 & 11 Vict. c. 27.	The Harbours, Docks, and Piers Clauses Act, 1847.	Section ninety-six.
10 & 11 Vict. c. 32.	The Landed Property Improvement (Ireland) Act, 1847.	Section fifty-seven.
10 & 11 Vict. c. 34.	The Towns Improvement Clauses Act, 1847.	Section two hundred and thirteen.
10 & 11 Vict. c. 65.	The Cemeteries Clauses Act, 1847.	Section sixty-five.
10 & 11 Vict. c. 69.	The House of Commons Costs Taxation Act, 1847.	Section five from "and any person" to the end of the section.
10 & 11 Vict. c. 89.	The Town Police Clauses Act, 1847.	Section seventy-six.
10 & 11 Vict. c. 90.	The Poor Relief (Ireland) Act, 1847.	Section twenty, from the beginning of the section to "penalties of perjury; and"

A.D. 1895.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
10 & 11 Vict. c. 109.	The Poor Law Board Act, 1847.	Section twenty-six from the beginning of the section to "penalties of perjury; and"
12 & 13 Vict. c. 78.	The House of Lords Costs Taxation Act, 1849.	Section five from "and any per- "son" to the end of the section.
12 & 13 Vict. c. 109.	The Petty Bag Office and Inrolment in Chancery Amendment Act, 1849.	Section forty-five.
13 & 14 Vict. c. 69.	The Representation of the People (Ireland) Act, 1850.	Section fifty-six from "and every "person taking" to "guilty "of perjury." In section eighty-eight from "And if any person shall wil- "fully make a false answer" to "punished accordingly."
14 & 15 Vict. c. 57.	The Civil Bill Courts (Ireland) Act, 1851.	In section one hundred and twenty-six the words "and "the penalty for any false "swearing therein shall be the "same." Section one hundred and fifty-seven.
14 & 15 Vict. c. 100.	The Criminal Procedure Act, 1851.	Sections nineteen, twenty, twenty-one, and twenty-two.
15 & 16 Vict. c. 57.	The Election Commissioners Act, 1852.	Section thirteen.
16 & 17 Vict. c. 69.	The Naval Enlistment Act, 1853.	Section sixteen.
16 & 17 Vict. c. 112.	The Dublin Carriage Act, 1853	Section sixty-eight.
16 & 17 Vict. c. 137.	The Charitable Trusts Act, 1853.	Section thirteen.
19 & 20 Vict. c. 54.	An Act to facilitate the Despatch of Business before Grand Juries in England and Wales.	In section one the words "and "every person taking any oath "or affirmation in support of "any bill of indictment who "shall wilfully swear or affirm "falsely shall be deemed "guilty of perjury."
19 & 20 Vict. c. 113.	The Foreign Tribunals Evidence Act, 1856.	Section three, from "and if upon "such oath" to the end of the section.
20 & 21 Vict. c. 79.	An Act to amend the Law relating to Probates and Letters of Administration in Ireland.	Section thirty-two from "and "any person who shall wil- "fully" to the end of the section.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
20 & 21 Vict. c. 85.	The Matrimonial Causes Act, 1857.	Section fifty.
21 & 22 Vict. c. 72.	The Landed Estates Court (Ireland) Act, 1858.	Section ninety.
21 & 22 Vict. c. 78.	An Act to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases.	Section three.
22 Vict. c. 20. -	The Evidence by Commission Act, 1859.	Section two.
24 & 25 Vict. c. 10.	The Admiralty Court Act, 1861	Section twenty-six from "and "any person" to the end of the section.
24 & 25 Vict. c. 53.	The University Elections Act, 1861.	In section five, the words "falsely making any such "declaration as aforesaid, or "such declaration as is con- "tained in the Schedule, or," and the words "and any per- "son wilfully making a false "answer to any question put "to him by the returning or "other officer as herein-before "provided."
25 & 26 Vict. c. 89.	The Companies Act, 1862 -	Section one hundred and sixty-nine.
25 & 26 Vict. c. 103.	The Union Assessment Committee Act, 1862.	In section forty, the words "or "who upon any examination "before any such committee "wilfully gives false evidence."
26 & 27 Vict. c. 87.	The Trustee Savings Banks Act, 1863.	Section forty-nine from "and if "upon such oath" to the end of the section.
27 & 28 Vict. c. 25.	The Naval Prize Act, 1864 -	Section fifty.
27 & 28 Vict. c. 114.	The Improvement of Land Act, 1864.	Section five.
28 & 29 Vict c. 36.	The County Voters Registration Act, 1865.	In section eleven the words "and "any person knowingly and "wilfully making any false "statement of fact in such "declaration."
29 & 30 Vict. c. 62.	The Crown Lands Act, 1866 -	Section twenty-nine.

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Session and Chapter.	Title or Short Title.	Extent of Repeal.
29 & 30 Vict. c. 108.	The Railway Companies Securities Act, 1866.	Section sixteen.
30 & 31 Vict. c. 84.	The Vaccination Act, 1867 -	Section thirty from "and every "person" to the end of the section.
30 & 31 Vict. c. 114.	The Court of Admiralty (Ireland) Act, 1867.	Section fifty-eight.
30 & 31 Vict. c. 136.	The Parliamentary Costs Act, 1867.	Section two.
31 & 32 Vict. c. 24.	The Capital Punishment Amendment Act, 1868.	Section nine.
31 & 32 Vict. c. 45.	The Sea Fisheries Act, 1868 -	Section thirty-two from "and "any person who wilfully" to "guilty of perjury."
31 & 32 Vict. c. 71.	The County Courts Admiralty Jurisdiction Act, 1868.	Section nineteen from "and any "person" to the end of the section.
31 & 32 Vict. c. 119.	The Regulation of Railways Act, 1868.	Section five. In section eight the words "Any "person who, when so examined on oath, makes any "false statement, knowing the "same to be false, shall be "guilty of perjury."
31 & 32 Vict. c. 121.	The Pharmacy Act, 1868 - -	Section fourteen.
31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	In section thirty-one the words "and shall be subject to the "same penalties for perjury."
32 & 33 Vict. c. 111.	The Bishops Resignation Act, 1869.	In section six the words "and "any person, when examined "by such persons, who wilfully "makes a false statement, "whether on oath or not, "shall be guilty of a misdemeanor."
33 & 34 Vict. c. 61.	The Life Assurance Companies Act, 1870.	Section nineteen.

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Session and Chapter.	Title or Short Title.	Extent of Repeal.
33 & 34 Vict. c. 102.	The Naturalization Oath Act, 1870.	Section two.
33 & 34 Vict. c. 110.	The Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870.	Section twenty-five.
34 & 35 Vict. c. 49.	The Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1871.	Section nineteen.
34 & 35 Vict. c. 78.	The Regulation of Railways Act, 1871.	Section ten.
34 & 35 Vict. c. 79.	An Act to protect the Goods of Lodgers against Distresses for Rent due to the Superior Landlord.	Section one from "and if any "lodger" to the end of the section.
34 & 35 Vict. c. 83.	The Parliamentary Witnesses Oaths Act, 1871.	In section one the words "Any "person examined as aforesaid "who wilfully gives false evi- "dence shall be liable to the "penalties of perjury."
34 & 35 Vict. c. 96.	The Pedlars Act, 1871 -	In section twelve the words "1. "Makes false representations, "with a view to obtain a "pedlar's certificate under this "Act."
35 & 36 Vict. c. 8.	The Deans and Canons Resignation Act, 1872.	Section four from "and any person" to "guilty of a misdemeanour."
35 & 36 Vict. c. 58.	The Bankruptcy (Ireland) Amendment Act, 1872.	Section one hundred and twenty-three.
35 & 36 Vict. c. 75.	An Act the title whereof begins with the words "An Act to "provide for the appointment "of Commissioners" and ends with the words "in Ireland."	Section five. In section nine the words "in- "cluding a prosecution for "perjury."
36 & 37 Vict. c. 60.	The Extradition Act, 1873 -	Section five from "Every person who" to "perjury."
38 & 39 Vict. c. 55.	The Public Health Act, 1875 -	Section two hundred and sixty-three.

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Session and Chapter.	Title or Short Title.	Extent of Repeal.
38 & 39 Vict. c. 60.	The Friendly Societies Act, 1875.	In section twenty-five, sub-section four, the words "and any "person knowingly making a "false or fraudulent declara- "tion in the matter shall be "guilty of a misdemeanor." Section twenty-seven, from "and "any such person" to the end of the section.
38 & 39 Vict. c. 70.	The Chimney Sweepers Act, 1875.	In section nineteen the words "(1.) If he makes or procures "to be made or aids in making "a false statement or repre- "sentation knowing it to be "false, in any application for "a certificate."
38 & 39 Vict. c. 87.	The Land Transfer Act, 1875	Section one hundred and one.
38 & 39 Vict. c. 89.	The Public Works Loans Act, 1875.	Section forty-four.
39 & 40 Vict. c. 36.	The Customs Consolidation Act, 1876.	Section one hundred and sixty-eight from the beginning of the section to "answer such "questions, or."
41 & 42 Vict. c. 26.	The Parliamentary and Municipal Registration Act, 1878.	In section twenty-five the words "or knowingly and wilfully "makes any false statement of "fact in any declaration of the "nature aforesaid."
41 & 42 Vict. c. 33.	The Dentists Act, 1878 -	Section thirty-five.
43 & 44 Vict. c. 19	The Taxes Management Act, 1880.	In section sixty-three the words "If any person wilfully and "corruptly makes a false "statement in any such oath "of service he shall be guilty "of misdemeanor, and shall "be liable to imprisonment "for six months with or "without a fine not exceed- "ing fifty pounds."
43 & 44 Vict. c. 20.	The Inland Revenue Act, 1880	In section seven the words "or shall make any false state- "ment in any such declara- "tion."

A.D. 1895.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
44 & 45 Vict. c. 62.	The Veterinary Surgeons Act, 1881.	Section eleven.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	In section fifty-nine the words "If any person wilfully makes a false answer thereto he shall be guilty of a misdemeanor" (being sub-section three of the said section). In section ninety-four the words "and shall be liable to the same penalties for perjury."
46 & 47 Vict. c. 61	The Agricultural Holdings (England) Act, 1883.	Section thirteen from "and if any person" to the end of the section.
47 & 48 Vict. c. 54.	The Yorkshire Registries Act, 1884.	Section forty-seven.
50 & 51 Vict. c. 26.	The Allotments and Cottage Gardens Compensation for Crops Act, 1887.	Section eleven from "and if any person so sworn" to the end of the section.
50 & 51 Vict. c. 47.	The Trustee Savings Banks Act, 1887.	In section two the words "If any person on examination on oath or affirmation under this section wilfully gives false evidence, he shall be liable to the penalties for perjury" (being subsection five thereof).
50 & 51 Vict. c. 58.	The Coal Mines Regulation Act, 1887.	In section thirty-two the words "or knowingly makes any false statement in," and the words "or contains any false statement," and from "or (3) For the purpose" to "containing the same." In section thirty-three the words "or makes any return which is to his knowledge false in any particular." Section fifty-five from the beginning of the section to "against this Act and."
51 & 52 Vict. c. 46.	The Oaths Act, 1888	Section one from "and if any person" to the end of the section.
52 & 53 Vict. c. 10.	The Commissioners for Oaths Act, 1889.	Section seven.

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Session and Chapter.	Title or Short Title.	Extent of Repeal.
52 & 53 Vict. c. 49.	The Arbitration Act, 1889 -	Section twenty-two.
53 & 54 Vict. c. 5.	The Lunacy Act, 1890 - -	Section three hundred and eighteen.
54 & 55 Vict. c. 70.	The Markets and Fairs (Weighing of Cattle) Act, 1891.	In section three the words "If "any person makes any false "or fraudulent statement in "any return made in pursu- "ance of this section, he shall "be guilty of a misdemeanor" (being subsection four of the said section).

Perjury. [H.L.]

A

B I L L

INTITULED

An Act to consolidate and amend the Law relating to Perjury and kindred offences.

(*Brought from the Lords* 15 *March* 1895.)

Ordered, by The House of Commons, *to be Printed,* 19 *March* 1895.

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[Bill 175.]

A

B I L L

TO

Confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Minehead, Morecambe, Moy River, and Woody Bay. A.D. 1895.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Confirmation of Orders in schedule.

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the *passing of this Act*, have full validity and force.

Special provisions as to houses of labouring class.

2. The undertakers mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district in England, ten or more houses which after the *passing of this Act* have been or on the *fifteenth day of December* last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

A.D. 1895.

For the purposes of this section the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of *thirty shillings* a week, and the families of any of such persons who may be residing with them.

Short title.

3. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 1) Act, 1895.

THE SCHEDULE OF ORDERS.

1. Minehead.—Construction of promenade pier.
2. Morecambe.—Construction of promenade pier.
3. Moy River.—Construction of training banks, and amendment of local Act.
4. Woody Bay.—Construction of pier.

MINEHEAD.

A.D. 1895.

Minehead.

Order for the Construction, Maintenance, and Regulation of a Promenade Pier at Minehead, in the County of Somerset, and for other purposes.

Undertakers.

1. George Fownes Luttrell of Dunster Castle, in the county of Somerset, Esquire, his heirs, assigns and successors in title shall be the Undertakers for carrying into execution the works authorised by this Order and are in this Order referred to as "the Undertakers."

Urban district council defined.

2. In this Order the expression "the urban district council" means the urban district council for the urban district of Minehead.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts, except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and to the entry upon lands by the Undertakers, shall be incorporated with this Order.

Power to acquire lands by agreement.

4. For the purposes of the works authorised by this Order, the Undertakers may from time to time by agreement enter upon, take, and use all or such part of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the pier and the works and conveniences connected therewith, authorised by this Order, and of the widening and improvement of the access to the existing harbour jetty.

Lands for extraordinary purposes.

5. The Undertakers may purchase and hold for extraordinary purposes any additional land not exceeding in the whole one acre, but this section shall not exempt the Undertakers from any proceedings for nuisance caused or permitted by them upon any land acquired by them under this section.

Power to construct works.

6. Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade may from time to time require before the completion of the works in order to prevent injury to navigation, the Undertakers may on the lands acquired by them under this Order, and in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, construct and maintain the pier and works authorised by this Order.

Description of works authorised.

7. The works authorised by this Order include:—

(*a.*) A pier and landing place in this Order called "the pier," commencing at a point on the sea beach at a distance of twenty-one yards or thereabouts, measured in a north-easterly direction from the north corner of the life-boat house, and eleven yards, or thereabouts, measured in a north-westerly direction from the north-western corner of Mr. Thomas Kent Ridler's store house, and extending thence seaward in a north-easterly direction for a distance of two hundred and thirty yards or thereabouts.

(*b.*) A widening and improvement of the access to the existing harbour jetty by constructing a new harbour wall in front of the existing harbour wall and landing slip at the western corner of the harbour, commencing at a point on the harbour wall on the east side of Quay Street, at a distance of eight yards, or thereabouts, measured in a southerly direction from the south side

A.D. 1895.

Minehead.

of Pulsford's weigh-bridge office, and extending in a northerly and north-easterly direction in a curve, and terminating at a point on the harbour wall at a distance of sixteen yards, or thereabouts, measured in an easterly direction from the eastern corner of the Custom House.

(*c.*) A new landing slip, six yards wide, or thereabouts, commencing at a point on the harbour wall on the east side of Quay Street aforesaid, at a distance of twenty-five yards, or thereabouts, measured in a southerly direction from the south side of Pulsford's weigh-bridge office, and running alongside of and adjoining the face of the new harbour wall above described for a distance of fifty yards, or thereabouts;

all which works will be situate in the parish of Minehead, in the county of Somerset, or on the beach, foreshore, and bed of the sea adjoining such parish. The pier is to be constructed of open iron pile work.

Subsidiary works.

8. The Undertakers may make, provide, and maintain in connection with the pier and works, all necessary and convenient roads, approaches, slips, quays, shipping and landing places, tramways, roads, footpaths, sheds, toll houses, toll gates and bars, cranes, hydraulic lifts, buoys, moorings, sewers, drains, groynes, breakwaters, and other works and conveniences; and they may also, from time to time, with the consent in writing of the Board of Trade first obtained, dredge, scour, and deepen the bed and shore of the sea at or near any part of the pier and works, and appropriate any rock, mud, or other material so dug and excavated and generally use the same for the construction and maintenance of the pier and works, and may, with the like consent, reclaim the bed of the harbour lying between the old wall and the proposed new wall hereby authorised to be constructed. Provided that no line of tramway constructed under the powers of this Order shall be used for the public conveyance of passengers, unless and until the same shall have been inspected and certified by the Board of Trade to be fit for traffic.

Power to deviate.

9. Subject to the provisions of this Order the Undertakers may, in the execution of the works authorised by this Order, deviate laterally, within the limits shown on the deposited plans, from the lines of such works to any extent which may be approved in writing from time to time by the Board of Trade, and may deviate vertically from the levels of such works, as shown on the deposited sections, to any extent not exceeding five feet.

Consent of Board of Trade to works.

10. Any works authorised by this Order, below high-water mark, shall not be commenced without the consent, in writing, of the Board of Trade having been first obtained, and shall be executed in manner required by the Board of Trade.

Power to erect rooms, &c. on pier.

11. The Undertakers may from time to time erect and construct upon or near to the pier, saloons, pavilions, waiting, refreshment, reading, and other rooms, shops, bazaars, baths and other conveniences, and may furnish, stock, and equip the same, and may make such reasonable charges for the use thereof or admission thereto respectively, as the Undertakers think proper.

Power to levy tolls and rates.

12. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order, or otherwise necessary to the due construction of the works authorised by this Order, have been given, the Undertakers may, subject and according to the provisions of this Order, for the use of the harbour jetty, and the pier and works, demand, recover, and receive, in respect of the persons, matters, and

things in the schedule to this Order specified, any sums not exceeding the rates in such schedule specified.

Power to sell or lease pier and works, or tolls and rates.

13. The Undertakers may, with the consent of the Board of Trade in writing, sell the harbour jetty, and the pier and works, or any part or parts thereof, or the tolls, rates, duties and other charges authorised to be taken by this Order, or may let or lease the same for any term not exceeding seven years, to take effect on possession, to such person or persons, company, local authority, commissioners or corporation, upon such terms, pecuniary or otherwise, and under such restrictions and conditions as they may think fit, and the purchaser or lessee shall have and may exercise all the same powers of levying and recovering tolls, rates and dues as the Undertakers have or might exercise under this Order, and shall be subject to all the provisions as to accounts and otherwise to which the Undertakers are subject under this Order.

Agreements as to dues, &c.

14. The Undertakers may enter into and carry into effect agreements with respect to the dues and charges on ships and goods, and with respect to the use of the harbour jetty, and the pier, by vessels and boats, and the landing and shipping of goods and other things thereon and therefrom, and the charges to be made therefor, but so that no preference be given to any person, company or vessel.

Rates may be levied though works not completed.

15. When and so soon as it shall be at any time, or from time to time, certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade, and paid by the Undertakers, that the works authorised by this Order have been so far completed as to afford an improved access to the harbour jetty, or accommodation, either for persons walking on the pier, or for the landing and embarking or shipping of passengers and goods by means of such works, the Undertakers may, notwithstanding the twenty-fifth section of the Harbours, Docks, and Piers Clauses Act, 1847, and although the whole of the works authorised by this Order shall not then have been completed, demand, receive, and recover such of the tolls and rates or such proportion of all or any of the tolls and rates specified in the schedule to this Order as shall, in the opinion of the Board of Trade, be commensurate to the accommodation afforded.

Undertakers may contract with persons for the use of the pier and harbour jetty.

16. The Undertakers may grant to passengers or others landing at or embarking from the harbour jetty from or by steam vessels, for the use of the harbour jetty, and to passengers landing at or embarking from the pier, for the use of the pier, pass tickets on such terms and for such period not exceeding one year as may be agreed on, but so that no preference shall be given to any person. A pass ticket shall not be transferable, and shall not be used by any person except the person to whom it is granted, or by any person after the period limited for its use. If any person act in any way in contravention of this provision, or use or attempt to use any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under the Harbours, Docks, and Piers Clauses Act, 1847, for all the purposes of which Act this Order shall be deemed the special Act.

Board of Trade may reduce rates.

17. If at any time and from time to time the clear annual income derived from the harbour jetty and the pier and works authorised by this Order, on the average of the then three last preceding years, after payment of all expenses and outgoings other than payments of principal or interest in respect of money

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borrowed, shall exceed interest at the rate of ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing the works authorised by this Order, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per centum per annum, with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the amounts specified in the schedule to this Order.

Annual account to be sent to Board of Trade.

18. The Undertakers, within one month after sending to the clerk of the peace a copy of their annual account in abstract (which account shall include all receipts from the harbour jetty as well as the pier and works, and shall be made up at the end of the day on the twenty-fifth day of March in each year), shall send a copy of the same to the Board of Trade and to the urban district council, and the sixteenth section of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account. If the Undertakers refuse or neglect to comply with this provision they shall, for every such refusal or neglect, be liable to a penalty not exceeding ten pounds.

Certain fishing vessels under stress of weather exempt from rates.

19. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour jetty or the pier or works authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Board of Trade officers exempt from rates.

20. Officers of the Board of Trade being in the execution of their duty shall at all times have free ingress, passage, and egress to, on, along, and from the harbour jetty and the pier and works by land and with their vessels and otherwise without payment.

Lifeboat crew exempt from tolls.

21. All persons going to or returning from any lifeboat, or using any apparatus for saving life, and being persons either belonging to the crew of the lifeboat or to the coastguard, or being persons for the time being actually employed in saving life, or in exercising or using the lifeboat or apparatus for saving life, and also all persons brought ashore from any vessel in distress, shall at all times have free ingress, passage, and egress to or along and on and from the harbour jetty and the pier and works without payment.

Life-saving apparatus may be attached to the pier, &c.

22. The officers of the coastguard, and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life, may either permanently or temporarily, and from time to time, without payment, attach or cause to be attached to any part of the harbour jetty or the pier or works, spars and other apparatus for saving life, and may also, either in course of using or of exercising the apparatus for saving life, fire rockets over the pier.

Power to make byelaws.

23. The Undertakers may make byelaws for the regulation and control of vessels and boats to take effect below high-water mark and seaward within twenty-five yards of any part of the harbour jetty or the pier or works, and also for the regulation and control of persons embarking, disembarking, frequenting, or resorting to or employed at the harbour jetty or the pier, approaches, and other works authorised by this Order, and may impose and recover a penalty not

exceeding forty shillings in any case of the breach or non-observance of any bye-law; but byelaws made under this Order shall not come into operation until the same have been submitted to and received the confirmation of the Board of Trade, which shall be sufficient for all purposes.

Parts of Harbours, &c. Act, 1847, excepted.

24. The following sections of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections 16 to 19, and 21 to 23, but the Undertakers shall at their own expense, when directed by the Board of Trade, provide to the satisfaction of the Board of Trade a site near the pier, and build on such site a house and other proper accommodation for a lifeboat, rocket apparatus, and other life-saving apparatus, and shall be liable to a penalty not exceeding ten pounds for every month during which they omit to provide such accommodation after having been required to do so by the Board of Trade.

Part V. of 24 & 25 Vict. c. 47. to apply.

25. Part V. of the Harbours and Passing Tolls, &c. Act, 1861, shall apply to the works authorised by this Order.

Life buoys to be kept.

26. The Undertakers shall at all times keep at the outer extremity of the harbour jetty and of the pier sufficient life buoys and lines in good order and fit and ready for use.

Pier, &c. to be deemed within district of urban district council.

27. The whole of the harbour jetty and the pier and works shall, in respect of all matters, crimes, or offences arising or committed thereon, requiring the cognisance of any justice of the peace, be deemed and taken to be within and as forming part of the district of the urban district council and within the jurisdiction of any justices acting within and for the said county and district.

As to lights during construction of works.

28. Before commencing the works authorised by this Order the Undertakers shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any directions given upon such application, or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works, and the Undertakers shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply, or refuse or neglect to observe any direction so given.

As to lights after completion of works.

29. After completion or permanent discontinuance or abandonment of the works authorised by this Order, the Undertakers shall, at the outer extremity of the pier and works or the completed portion thereof, exhibit during all or any part of the time from sunset to sunrise, and according to the season of the year and the requirements of the traffic, such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to lighting, and the Undertakers shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply, or refuse or neglect to observe any such directions.

Provision against danger to navigation.

30. In case of injury to or destruction or decay of the harbour jetty, or the pier or works, or any part thereof, the Undertakers shall lay down such buoys, exhibit such lights, or take such other means for preventing, so far as may be,

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danger to navigation as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to the means to be taken, and the Undertakers shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply, or refuse or neglect to observe any such direction.

Powers to cease in certain events.

31.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced, the powers by this Order given for executing such works or otherwise in relation thereto shall cease, unless the time for commencement be extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order, after having been substantially commenced, should be virtually suspended for twelve consecutive months, the powers by this Order given for executing such works or otherwise in relation thereto shall cease, except as to so much of such works as shall be then completed, unless such powers shall by the special direction of the Board of Trade be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive months, shall, for the purposes of this Order, be conclusive evidence of the facts stated in such certificate.

Saving rights under Crown Lands Act, 1866.

32. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Saving rights of the Crown.

33. This Order shall not be taken as a consent to the surrender of, nor shall anything in this Order prejudice or affect, any property, interests, rights, powers, authorities, or privileges of Her Majesty in right of Her Crown, which are under the management of the Commissioners of Her Majesty's Woods, or either of them.

Costs of Order.

34. All the costs, charges, and expenses of and incidental to the obtaining of this Order, or otherwise incurred in relation thereto, shall be paid by the Undertakers.

Short title.

35. This Order may be cited as the Minehead Pier and Harbour Order, 1895.

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The SCHEDULE to which the foregoing Order refers.

I.—Tolls or Rates on Passengers using the Harbour Jetty and on Passengers and Promenaders using the Pier.

	s.	d.
For every passenger or other person who shall land on the harbour jetty from, or embark from it on board of, any steam vessel, steam packet, or steam passage boat, for each and every time, any sum not exceeding -	0	3
For every passenger or person who shall land on the pier from, or embark from it on board of, any ship, vessel, packet, or passage boat, for each and every time, any sum not exceeding - - -	0	3
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding - -	0	2
For every bath or sedan chair, including the person drawing or propelling the same, taken on the pier, for each and every time, any sum not exceeding - - - - - - - -	0	4
For every perambulator, including the person drawing or propelling the same, taken on the pier, for each and every time, any sum not exceeding - - - - - - -	0	3
For every master of any vessel, boat, or wherry using the pier for the purpose of going to or returning from his own vessel, boat, or wherry, for each and every time - - - - -	0	1
Or an annual sum not exceeding - - - - -	10	0

II.—Rates on Passengers' Luggage landed on the Harbour Jetty from or embarked from it on board of any Steam Vessel, or landed on the Pier or embarked from it on board any Ship or Vessel.

For every trunk, portmanteau, box, parcel, or package, not exceeding	s.	d.
28 lbs., and not carried by hand - - - -	0	2
Over 28 lbs., and not exceeding 56 lbs. - - - -	0	4
Over 56 lbs., and not exceeding 112 lbs. - - -	0	6
Over 112 lbs., and not exceeding 168 lbs. - - - -	0	7
Over 168 lbs., and not exceeding 196 lbs - - - -	0	8
Over 196 lbs., and not exceeding 2 cwt. - - - -	0	9
And for every additional 28 lbs. weight up to the limit of 5 cwt. -	0	1
For every bicycle or tricycle, including the person in charge thereof, every time - - - - - - -	0	3

III.—Rates for Supplying Water.

	s.	d.
Fresh water on the pier, per 100 gallons - - - -	1	6
Sea water, per 3 gallons - - - - - -	0	1

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IV.—Rates and Dues on Vessels and Goods.

Minehead. The rates and dues leviable by the Undertakers on vessels using the pier, and on goods (other than as before mentioned) landed thereon or shipped therefrom, shall not exceed the rates and dues authorised to be levied for the time being in respect of vessels and goods at Minehead Harbour.

MORECAMBE (WEST END).

Morecambe (West End).

Order for enabling a deviation in the Morecambe (West End) Pier and the execution of other works at Morecambe in the County of Lancaster.

Short title. 1. This Order may be cited as the Morecambe (West End) Pier Order, 1895, and this Order together with the Morecambe Pier Order, 1893 (in this Order called the Order of 1893, as the same is varied by this Order, shall be read and construed as one Order and may be cited together as the Morecambe (West End) Pier Orders, 1893 and 1895.

Undertakers. 2. The Morecambe (Regent Road, West End) Pier Company (Limited) (in this Order called the Company), shall be the Undertakers of the works authorised by this Order, and shall have and may exercise the powers, privileges, and authorities conferred by the Order of 1893 and this Order and may carry this Order into effect.

Incorporation of Lands Clauses Acts. 3. The Lands Clauses Acts (except so much thereof as respectively relates to the purchase and taking of lands otherwise than by agreement, and to the entry upon lands by the promoters of the undertaking), are incorporated with this Order.

Limits. 4. The limits within which the Company shall have authority under the Order of 1893 and this Order, and which shall be deemed the limits to which the provisions of the Order of 1893 and this Order and the power to levy rates extend, shall comprise so much of the pier and works authorised by the Order of 1893 as is not authorised by this Order to be abandoned, and also the pier and works authorised by this Order, and an area below high-water mark lying within one hundred feet from any part of the piers or works authorised by the Order of 1893 and this Order.

Power to take lands by agreement. 5. For the purposes of the works authorised by this Order, the Company may from time to time, by agreement, enter upon, take, and use such of the lands shown on the plan deposited with reference to this Order as the Company may think requisite for the purposes of this Order.

Power to construct works. 6. Subject to the provisions of this Order, and subject also to such alterations (if any) in the plan and section deposited with reference to this Order as the Board of Trade from time to time require before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and section (so far as the same are shown thereon), make and maintain the pier and works authorised by this Order with all necessary accesses and conveniences.

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7. The works authorised by this Order comprise the following:—

Morecambe (West End).

A pier, jetty, and landing place from the western shore opposite Regent Road, Morecambe, commencing at or near the eastern end of the pier, jetty, and landing place authorised by the Order of 1893, and from the western side of the promenade and sea-wall immediately opposite the west end of Regent Road, Morecambe, and extending thence seaward in a north-westerly direction for a distance of nine hundred and sixty-three yards or thereabouts and there terminating, and to be constructed so as not to project seawards of an imaginary line drawn between the beacon on Old Scar and the lighthouse at the Midland Harbour pier head.

Description of works.

The works will be situated in the township of Poulton Bare and Torrisholme in the parish of Lancaster, in the county of Lancaster, or on the foreshore or in the sea and bed thereof adjacent thereto.

The pier shall be solid for a distance of eighty-five feet or thereabouts from its commencement, and shall be constructed as an open work for the rest of its length.

Relinquishment of construction of part of authorised pier.

8. The Company shall abandon and relinquish the construction of so much of the pier authorised by the Order of 1893 as lies to the westward of the pier authorised by this Order.

Power of deviation.

9. The Company in constructing the pier and works authorised by this Order may, with the consent in writing of the Board of Trade, alter and deviate the same laterally from the lines of such works delineated on the deposited plan to any extent not exceeding the limits of deviation marked on that plan, and may with the like consent deviate vertically to any extent from the levels shown on the deposited section.

Power to levy rates.

10. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order, or otherwise necessary to the due construction of the works authorised by this Order, have been given, the Company may, subject and according to the provisions of this Order demand, receive, and recover for the use of the pier and works authorised by this Order, the same rates or sums as if such pier and works had been authorised by the Order of 1893, and had been constructed under the powers given by that Order.

Works to be part of the works under the Order of 1893.

11. The pier and works authorised by this Order shall, for all the purposes of the Order of 1893 and this Order, be deemed works authorised by the Order of 1893 instead of the works which are by this Order authorised to be abandoned, and all the powers conferred on the Company by, and all the provisions contained in the Order of 1893, except so far as the same are varied by this Order, shall extend and apply to the pier and works authorised by this Order as part of the same undertaking, and the Order of 1893 shall be read and construed accordingly.

Life buoy and line to be kept.

12. The Company shall at all times keep at the outer extremity of the pier a life-buoy and line in good order and fit and ready for use.

As to lights during construction of works.

13. Before commencing the works authorised by this Order the Company shall apply to the Board of Trade for directions as to the lights (if any) to be exhibited, and shall in all respects obey any directions given upon such application or afterwards from time to time given as to lights by the Board of Trade during

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Morecambe (West End).

the construction of the works, and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works, and the Company shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply, or refuse or neglect to observe any direction so given.

As to lights after completion of works.

14. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Company shall, at the outer extremity of the pier, or the completed portion thereof, or in such other place or places as may be required, exhibit for all or any part of the time from sunset to sunrise, and according to the requirements of the traffic and the season of the year, such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to lighting, and the Company shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply, or refuse or neglect to observe any such directions.

Provision against danger to navigation.

15. In case of injury to or destruction or decay of the pier or any part thereof, the Company shall lay down such buoys, exhibit such lights, or take such other means for preventing (as far as may be) danger to navigation as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to the means to be taken, and the Company shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply, or refuse or neglect to obey any directions given in reference to the means to be taken.

Powers to cease in certain events.

16.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease, unless the time for commencement be extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order, after having been substantially commenced, should be virtually suspended for twelve consecutive months, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease, except as to so much of such works as shall be then completed, unless such powers shall, by the special direction of the Board of Trade, be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive months, shall, for the purposes of this Order, be conclusive evidence of the facts stated in such certificate.

Saving rights under Crown Lands Act, 1866.

17. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

18. This Order shall not be taken as a consent to the surrender of, nor shall anything in this Order prejudice or affect, any property, interests, rights, powers, authorities, or privileges of Her Majesty in right of Her Crown, which are under the management of the Commissioners of Her Majesty's Woods, or either of them. Saving rights of Crown.

19. This Order or anything herein contained shall not extend or operate to authorise the Company to take, use, enter upon, or in any manner interfere with any land, soil, water, or hereditaments, or any land, parcel of any manor, or any manorial rights or any other rights of whatever description belonging to Her Majesty in right of Her Duchy of Lancaster, without the consent in writing of the Chancellor for the time being of the said Duchy first obtained (which consent the said Chancellor is authorised to give) nor take away, prejudice, or diminish any estate, right, privilege, power, or authority vested in or enjoyed or exerciseable by Her Majesty, Her heirs or successors in right of Her said Duchy. Saving rights of the Duchy of Lancaster.

20. If any land not required for the purposes of this Order shall at any time after the execution of any works under the authority of this Order become raised in height or reclaimed, or by any other means cease to be subject to the flow and reflow of the ordinary tides, or to be permanently covered with water (and that whether gradually or imperceptibly or otherwise), the Company shall not, by virtue of the ownership of any lands which they are by virtue of this Order empowered to take or acquire, have any estate, right, or interest in or to the land so raised in height or reclaimed or ceasing to be so subject or to be so covered as aforesaid by reason that such raising, reclamation, or cesser has been gradual or imperceptible, or has been wholly or partially caused either by the works by this Order authorised or otherwise. As to future accretions.

21. All the costs, charges, and expenses of or incidental to preparing and obtaining this Order, or otherwise incurred in reference thereto, shall be paid by the Company. Costs of Order.

MOY.

Order for the Construction and Maintenance of Works for the Improvement of the Navigation of the River Moy, for amending the Moy Navigation Amendment Act, 1860, and for other purposes.

1. This Order may be cited as the Moy Navigation Order, 1894, and the Moy Navigation Amendment Act, 1860, in this Order called the Act of 1860 (as amended or altered by this Order) and this Order, shall be read and construed together as one Act or Order. Short title.

2. The Commissioners for carrying into execution the provisions of the Act of 1860 (in this Order called the Commissioners) shall be the Undertakers for carrying this Order into execution. Undertakers.

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Moy.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts, except so much thereof as relates to the purchase or taking of lands otherwise than by agreement, and to the entry upon lands by the promoters of the undertaking, are hereby incorporated with this Order.

Power to construct works.

4. Subject to the provisions of this Order, and subject also to such alterations (if any), vertical or lateral, in the plan and sections deposited with reference to this Order as the Board of Trade from time to time before the completion of the works may approve or may require, in order to prevent injury to navigation, the Commissioners may, in the lines and situation and according to the levels shown on the deposited plans and sections, and within the limits of deviation shown on the plan, make and maintain the works authorised by this Order.

Description of works.

5. The works authorised by this Order (herein-after called "the authorised works") comprise the following :—

(1.) Training banks on the western side of the bed of the River Moy, commencing at the south-western end of the existing training bank at a point 220 yards or thereabouts, measured in a southerly direction from the south-eastern extremity of Illannamuck Island, and thence following the line of the existing portions of the training banks on the said western side and extending in a northerly direction to a point 420 yards, or thereabouts southward of the south-eastern extremity of Bartragh Island, in the county of Mayo, together with groyne connexions to the land, and openings at or near the following places, that is to say :—Harrison's groyne, Plott Point, Carrowkelly Point, Reddington's Point, Innisdugh Island, and Goose Island, which said training banks will be situate in the said county of Mayo ;

(2.) Training banks on the eastern side of the bed of the River Moy, commencing at the south-eastern end of the existing training bank at a point 480 yards or thereabouts, measured in a north-westerly direction from Glen Lodge, and thence following the line of the existing portions of the training banks on the said eastern side, and extending in a northerly direction to a point 660 yards or thereabouts, measured in a north-easterly direction from the southern extremity of Goose Island, in the said county of Mayo, together with groyne connexions to the land and openings at or near the following places (that is to say) :—Lugnamannow Point, Castleconor Point, and Rinroe Point, which said training banks will be situate in the county of Sligo ;

and all proper buildings, embankments, groynes, walls, landing-places, stages, cranes, buoys, moorings, lights, beacons, sewers, drains, culverts, and other works and conveniences connected with the aforesaid works.

Power to execute further works for improvement of River Moy, &c.

6. Subject to the provisions of this Order the Commissioners may from time to time in connection with their existing works or the authorised works alter, vary, deepen, embank, dredge, scour, straighten, and otherwise improve the River Moy and the beds and channels thereof, and the entrance and approaches thereto respectively, and may appropriate and use the soil and materials dredged by them.

7. Works below the line of high-water mark shall not be commenced without the consent thereto in writing of the Board of Trade having been first obtained, and shall be executed only in manner approved by the Board of Trade.

Consent to works below high-water line.

8. After the expiration of one calendar month from the date of the passing of the Act confirming this Order, the several rates, dues, tolls, and charges contained in Schedules A., B., C., D., and E., to the Act of 1860, shall cease to be demanded or received, but without prejudice to the right to demand, receive, and recover the rates, dues, tolls, and charges actually due and unpaid, and in lieu of rates, dues, tolls, and charges now leviable the Commissioners may, after the expiration of such one calendar month, and subject and according to the provisions of the Act of 1860 and this Order, demand and receive the several rates, dues, tolls, and charges specified in Schedules A., B., C., D., and E. to this Order, and the said Schedules to this Order shall be deemed to be and are hereby substituted in place of the said Schedules to the Act of 1860.

Power to levy substituted rates.

9. The Commissioners may from time to time confer, vary, or extinguish exemptions from and enter into composition with any person with respect to the payment of the rates, dues, tolls, and charges authorised by this Order, but so that no preference be in any case given, and that anything done under this section shall not prejudice the other provisions of this Order.

Power to compound for rates.

10. The Commissioners shall from time to time revise the rates, dues, tolls, and charges authorised under this Order so that the income of the Commissioners under this Order may always be so far as practicable sufficient, and not more than sufficient, for the purposes of the Act of 1860 and this Order, and if at any time, and from time to time, the clear annual income of the Commissioners on the average of the then three last preceding years, after payment of all expenses and outgoings, shall exceed the amount sufficient to answer the purposes of this Order the Board of Trade may, if in their discretion they think fit, reduce such rates, dues, tolls, and charges to such sums as will be sufficient to provide the amount aforesaid, with power to the Board of Trade at any time, and from time to time, to raise them again to not exceeding the sums specified in the Schedules to this Order.

Revision o rates.

11. The Commissioners within one month after sending to the clerk of the peace the copy of their annual account in abstract (which account shall be made up to the end of the day on the Twenty-fifth day of March in each year) shall send a copy of the same to the Board of Trade, and Section 16 of the General Pier and Harbour Act (1861) Amendment Act shall apply to and include any and every such account. If the Commissioners neglect or refuse to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Annual account to be sent to the Board of Trade.

12. Fishing vessels belonging to countries with which for the time being treaties exist, exempting from duties or port charges such vessels when driven by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour and works, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Certain fishing vessels under stress of weather exempt from rates.

A.D. 1895.

Moy.

Application of money borrowed.

13. The Commissioners shall apply all money from time to time borrowed by them under Section 51 of the Act of 1860 for any of the purposes to which capital money is properly applicable, and not otherwise.

Application of moneys.

14. The Commissioners shall apply all the rates, dues, tolls, and charges received under this Order for the purposes and in the order following, and not otherwise (that is to say) :—

(1.) In payment of all costs, charges, and expenses of or incident to the preparing, applying for, obtaining, and confirming of this Order ;

(2.) In the manner provided by Section 53 of the Act of 1860 so far as the same may be now applicable ;

(3.) In paying the costs of the authorised works and of the works executed under the provisions of Section 6 of this Order, or such part or parts thereof as ought properly to be paid for out of income.

Provisions for protection of Scurmore fishery and Moy fishery.

15. The following provisions shall apply and have effect for the protection of the owners of the Scurmore Fishery and of the Moy Fishery Company hereinafter jointly and collectively referred to as "the fishery owners" Unless the Commissioners and the fishery owners otherwise agree the Commissioners shall before commencing the authorised works or the further works mentioned in section six of this Order submit to the Board of Trade a scheme for the construction of the said works in sections and the Board of Trade may and are hereby empowered to approve such scheme with or without such variation or alteration as they shall think fit and the Commissioners shall after obtaining such approval proceed to complete one of such sections of the said works and upon the completion of such section shall give notice thereof to the Board of Trade and to the fishery owners and the fishery owners may thereupon or at any time within six calendar months from the giving of such notice if they consider that their fishery is injuriously affected in consequence of the section of the said works so completed send to the Commissioners a claim for the injury done and if the Commissioners do not within one calendar month from the receipt of such claim agree the sum to be paid to the fishery owners and make satisfactory provision for the payment or securing payment of the same then either the Commissioners or the fishery owners may apply to the Board of Trade to appoint an arbitrator to inquire whether any and if so what compensation ought to be paid to the owners in respect of the said claim and he shall make his award within three months of his appointment and the Arbitration Act of 1889 or so much thereof as relates to a reference to a single arbitrator shall apply to the said arbitration and such arbitrator may in his discretion by his award provide that the amount of compensation awarded be paid over or secured to the fishery owners Provided always that the fishery owners shall keep such accounts as will enable the arbitrator to ascertain what if any injury is caused to the fishery by reason of the said works and shall on the request of the arbitrator furnish to him or as he shall direct copies thereof from time to time and shall give to him all such facilities for examining into the accounts and also for inspecting the said fisheries for the purpose of satisfying himself as to the correctness of such accounts and the nature and extent of any injury caused or of their claim as may be reasonably required by the arbitrator Provided also that the Commissioners shall not proceed with a second section of the said

works until either the time limited for making the said claim has expired without any claim being made or until the Commissioners have agreed and paid or secured to the satisfaction of the fishery owners the amount claimed by them or in case of arbitration until either the Commissioners have paid or secured the compensation awarded in manner directed by the arbitrator or until the arbitrator has by his award certified that no compensation is payable Provided also that the same provisions shall apply in the case of the second or any subsequent section of the said works as are herein provided in case of the first section and no further section shall be commenced where compensation is agreed or directed to be paid or secured as aforesaid until the compensation in respect of the last section has been satisfied as herein-before provided Provided also that in making his award the arbitrator shall take into consideration any advantages which have accrued to the fishery owners by reason of the said works or by reason of any of the certified fixed net stations being removed or being capable of being removed to any other or better sites and any facts tending to show that after the works are carried out a larger number of fish are caught at a higher station or elsewhere notwithstanding that a less number of fish are caught at a lower station or that the fishery as a whole is more productive or remunerative notwithstanding that some portion may have been injured Provided also that the Commissioners may if the fishery owners so agree enter into negotiations for the purchase or sale of the whole or any part of their fishery in lieu of paying compensation as herein-before provided with power to carry such negotiation into effect Notice to fishery owners shall be deemed to be sufficiently served upon such owners if served or left addressed to the owners at the office of the agent or manager of the fishery for the time being.

Part of Harbours, &c. Act, 1847, excepted.

16. Sections 16 to 19, and Sections 25 and 26 of the Harbours, Docks, an Piers Clauses Act, 1847, shall not be incorporated with this Order.

As to lights during construction of works.

17. Before commencing the authorised works the Commissioners shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any directions given upon such application, or afterwards from time to time given as to lights by the Board of Trade, during the construction of the works, and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works, and the Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply, or refuse or neglect to observe any direction so given.

As to lights after completion of works.

18. After completion or permanent discontinuance or abandonment of the authorised works the Commissioners shall at the outer extremity of such works, or the completed portions thereof, or in such other place or places as may be required, exhibit for all or any part of the time from sunset to sunrise, and according to the requirements of the traffic and the season of the year, such light or lights (if any) as shall from time to time be directed by the Commissioners of Irish Lights, and shall apply to those Commissioners for directions as to lighting, and the Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply, or refuse or neglect to observe any such directions.

A.D. 1895.

Moy.

Provision against danger to navigation.

19. In case of injury to, or destruction or decay of the authorised works, or any part thereof, the Commissioners shall lay down such buoys, exhibit such lights, or take such other means for preventing as far as may be danger to navigation as shall from time to time be directed by the Commissioners of Irish Lights, and shall apply to those Commissioners for directions as to the means to be taken, and the Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to observe any such direction.

Power to cease in certain events.

20.—(1.) If within two years from the date of the passing of the Act confirming this Order, the authorised works should not be substantially commenced, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease unless the time for commencement be extended by the special direction of the Board of Trade.

(2.) If the authorised works, after having been substantially commenced, should be virtually suspended for twelve consecutive months, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease, except as to so much of such works as shall be then completed, unless such powers shall, by the special direction of the Board of Trade, be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the authorised works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive months, shall, for the purposes of this Order, be conclusive evidence of the facts stated in such certificate.

Saving rights under Crown Lands Act, 1866.

21. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any of the authorised works be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Saving rights of Crown under Crown Lands Act.

22. Nothing contained in this Order, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by Sections 21 and 22 of the Crown Lands Act, 1866, and belonging to or exercisable on behalf of Her Majesty, Her heirs or successors.

Costs of Order.

23. All costs, charges, and expenses of or incident to the preparation and obtaining of this Order, or otherwise incurred in relation thereto, shall be paid by the Commissioners.

SCHEDULES to which the foregoing Order refers.

SCHEDULE A.

PILOTAGE RATES.

For every ship or vessel coming into or departing from the said River Moy, and Harbour of Ballina, from any port or ports other than a port in the United Kingdom or the British Colonies, for each entry or departure, at the discretion of the Commissioners, a sum not exceeding the sum of three shillings for every foot of water the vessel may draw.

For every ship or vessel from any port or ports in Great Britain or Ireland, or the British Colonies, for each entry or departure, at the discretion of the Commissioners, a sum not exceeding the sum of two shillings for every foot of water the vessel may draw.

SCHEDULE B.

RATES TO BE PAID ON GOODS AND MERCHANDISE SHIPPED OR UNSHIPPED WITHIN THE PORT AND HARBOUR OF BALLINA :—

	s.	*d.*
Acid, per 120 gallons	0	6
Agricultural implements, per ton	1	0
Ale or beer, per 54 gallons	0	4
,, in bottles, per cwt.	0	2
Alum, per ton	0	6
Alabaster, per ton	0	6
Anchors, each	1	0
Anvils, each	0	1
Apples, per cwt.	0	1
Ashes, pot or pearl, per cwt.	0	3
Barilla, per ton	0	6
Bark, per ton	0	6
Bacon, per cwt.	0	1
Barley, per ton	0	6
Ball blue, per cwt.	0	4
Bath brick, per cwt.	0	1
Barm, per 72 gallons	0	4
Beef, per cwt.	0	1
Bellows (smiths'), each	0	2
Bearers or blocks, per ton	0	4
Biscuits, per 20 lbs	0	0¼
Bicycles, each	0	4
Blacking, per gross	0	2
Blue, per 56 lbs.	0	2
Bone manure, per ton	0	10

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		s.	d.
Moy.	Books and stationery, per cwt.	1	0
	Boats, each	1	0
	Bottles, per gross	0	2
	Boilers, per ton	1	0
	Brimstone, per ton	0	6
	Brick (fire), per ton	0	6
	„ (building), per ton	0	6
	Bran and pollard, per ton	0	6
	Brandy, per 100 gallons	1	0
	„ in bottles, per cwt.	0	6
	Butter, per cwt.	0	2
	Candles, per 36 lbs.	0	2
	Cables (chain), per ton	1	0
	„ (hempen), per ton	1	0
	Calf skin, per cwt.	0	1
	Cattle (horned), bulls, oxen, or cows, each	0	6
	Cement, per ton	0	6
	Chairs (common), each	0	0½
	Chimney cans, per ton	0	4
	Cheese, per cwt.	0	1
	Cider, per 100 gallons	0	6
	Clay, per ton	0	3
	Clay retorts, each	0	6
	Clocks, each	0	2
	Clover seed, per cwt.	0	1
	Colours, per ton	1	0
	Coals, per ton	0	3
	Cotton wool and waste, per cwt.	0	6
	Copper dross, per ton	0	4
	„ in ingots, tile or sheet, per ton	1	0
	Copperas, per ton	0	4
	Coaches, cars, and carts, 4-wheel, each	2	0
	„ „ „ 2-wheel, each	1	0
	Coffee, per ton	1	0
	Cork wood, per ton	2	6
	Cordage, per ton	1	0
	Cotton cake, per ton	0	6
	Cocoa, per ton	1	0
	Confectionery, per cwt.	0	3
	Corn flour, per cwt.	0	3
	Corrigan moss, per ton	1	0
	Cream of tartar, per cwt.	0	3
	Deals, per 120 of 12 feet by 9 by 3	1	6
	Drain pipes, per ton	0	4
	Drapery goods, per ton	1	0
	Drugs, per 54 lbs	0	6
	Dye stuffs, per 54 gallons	0	6
	Dye woods, per ton	0	9

A.D. 1895.
May.

		s.	*d.*
	Earthenware, per cwt.	0	6
	Eggs, per cwt.	0	3
	Fish (dry), per ton	1	0
5	Flags, per ton	0	3
	Flax, hemp or tow, per ton	0	6
	Flax seed, per cwt.	0	1
	Flour, per ton	1	0
	Fowls, per dozen	0	6
10	Freestone, per ton	0	3
	Fruit (dry and preserved), per ton	1	8
	„ per 56 lbs., or any less quantity	0	1
	Furniture, per ton	1	3
	Garden seeds, per cwt.	0	1
15	Gas meters, each	0	3
	Gigs and cars, 2-wheeled, each	1	0
	Ginger, per ton	1	6
	Glass, per cwt.	0	6
	„ bottles, per gross	0	2
20	Grindstones, each	0	1
	Greaves, per ton	0	4
	Guns, in cases, each	0	6
	Gum, per ton	1	0
	Gunpowder, per cwt.	0	6
25	Guano, per ton	1	0
	Hardware, per ton	1	0
	Hair, per 56 lbs.	0	4
	Hats, per dozen	0	3
	Hay seed, per cwt.	0	1
30	Haberdashery, per ton	1	0
	Hams, per cwt.	0	6
	Hay, per ton	0	6
	Hay machines, each	0	6
	Herrings, per cwt.	0	0½
35	Hides, per ton	0	6
	Horses, mares or geldings, each	0	6
	Hops, per cwt.	0	3
	Hoops, per thousand	0	6
	Hosiery, per 56 lbs.	0	6
40	Ice, per ton	0	6
	Indigo, per cwt.	0	6
	Indian corn, per ton	0	6
	„ meal, per ton	0	6
	Iron (pig), per ton	0	6
45	„ (bar), per ton	0	6
	„ (castings), per ton	0	6
	„ (sheet), per ton	0	6
	„ beds, each	0	3
	Kelp, per ton	0	4

A.D. 1895.

May.

	s.	d.
Laths, per ton	0	6
Lasts, per cwt.	0	1
Lamp black, per cwt.	0	3
Lard, per 84 lbs.	0	1
Lamps, per cwt.	0	2
Lamp glasses, per gross	0	0½
Lambs, each	0	0½
Leather, per ton	1	0
Lead, per ton	0	6
Lemons or oranges, per cwt.	0	1½
Liquor, per 120 gallons	0	9
Liquorice, per cwt.	0	2
Linens, per ton	1	0
Lime, per ton	0	6
Limestone, per ton	0	2
Linseed cake and meal, per ton	0	6
Lozenges, per cwt.	0	2
Lime juice, per cwt.	0	4
Mahogany, per ton	1	0
Machinery, per ton	1	0
Malt, per ton	0	8
Marble, per ton	0	6
Mats, per dozen	0	1
Madder, per ton	0	9
Manure (artificial), per ton	1	0
Matches, per 28 lbs.	0	1
Mangles, each	0	3
Meat (fresh), per ton	1	0
Mill stones, each	1	0
Mineral water, per 6 dozen	0	1
Mowing machines, each	0	6
Molasses, per 54 gallons	0	4
Mustard, per cwt.	0	1
Mules and asses, each	0	6
Naphtha oil, per 36 gallons	0	3
Nets (fishing), per cwt.	0	2
Nuts, per 56 lbs.	0	2
Oats, per ton	0	6
Oatmeal, per ton	0	9
Oars, per ton	0	6
Oakum, per ton	0	6
Oil, per 100 gallons	0	6
Onions, per 28 lbs.	0	1
Oranges or lemons, per cwt.	0	1½
Paper, per ton	1	0
Paper hangings, per cwt.	0	2
Paints, per ton	1	0
Paraffin, per 36 gallons	0	1

		s.	d.
	Peas, per cwt.	0	1
	Pepper, per cwt.	0	2
	Pipes (tobacco), per gross	0	0¼
5	„ (earthenware), per ton	0	6
	Pitch, per 36 gallons	0	2
	Pianofortes, each	2	6
	Pigs, each	0	2
	Pickles, per gross bottles	0	2
10	Plaster of Paris, per ton	0	6
	Plate or plated ware, per cwt.	0	4
	Ploughs, each	0	6
	Plank, per 120 of 12 feet by 9 by 3	1	6
	„ per ton	0	6
15	Pork, per ton	1	0
	Porter, per 54 gallons	0	3
	Potatoes, per ton	0	6
	Rags, per cwt.	0	1
	Rice, per ton	1	0
20	Rosin, per cwt.	0	1
	Ropes and twine per ton	1	0
	Rum and other spirits, per 54 gallons	0	9
	„ in bottles, per cwt.	0	6
	Saddlery, per cwt.	0	4
25	Salt, per ton	0	3
	Saltpetre, per ton	0	6
	Salmon, per box of 12	0	1½
	Salts, per cwt.	0	1
	Sewing machines, each	0	2
30	Ship biscuits, per ton	0	6
	Shoes, per cwt.	0	3
	Shoe pegs, per cwt.	0	1
	Sheep wash, per 18 gallons	0	1
	Shovel handles, per dozen	0	0½
35	Sheep, each	0	2
	Shot (lead), per ton	1	0
	Skins, per cwt.	0	5
	Slates, per ton	0	4
	Soda, per ton	1	6
40	Soap, per cwt.	0	2
	Staves (pipe), per 120	0	4
	„ (barrel), per 120	0	2
	Starch, per cwt.	0	1
	Sugar, per ton	1	6
45	Sugar candy, per cwt.	0	1
	Tar, per cwt.	0	1
	Tallow, per cwt.	0	1
	Tea, per cwt.	0	2
	Thread, per cwt.	0	3

A.D. 1895.

Moy.

	s.	d.
Tiles, per ton	0	6
Tin, per ton	0	10
Timber, per 50 cubic feet	0	6
Tobacco, per cwt.	0	6
Turpentine (spirits of), per 120 gallons	0	9
Turnip machines, each	0	6
Turnips, per ton	0	3
Varnish, per 5 gallons	0	3
Vitriol (oil of), per cwt.	0	2
Vinegar, per 54 gallons	0	6
Weighing machines, each	0	2
Whitening, per cwt.	0	1
Wheat, per ton	0	6
Whisky, per 120 gallons	1	0
„ in bottles, per cwt.	0	6
Wire fencing, per ton	0	6
Wine, per 120 gallons	1	0
„ in bottles, per cwt.	0	6
Wool, per cwt.	0	6
Woollens, per ton	1	0
Yarn, per ton	0	6
Yeast, per cwt.	0	3

In charging the rates on goods and merchandise the gross weight, quantity, or measurement of all goods and merchandise to be taken, and for any less weight, quantity, or measurement than those above specified, a proportionate share of the respective rates shall be charged.

SCHEDULE C.

For every ship or vessel coming into or departing from the said River Moy and harbour of Ballina from any port or ports other than a port in the United Kingdom or the British Colonies, a sum not exceeding eightpence for every ton of the burthen of such ship or vessel for each entry or departure, at the discretion of the Commissioners.

And for every other ship or vessel, a sum not exceeding the sum of sixpence for every ton of the burthen of the said ship or vessel, at the discretion of the Commissioners.

Ships or vessels arriving or departing in ballast, and ships or vessels under twenty tons, a sum not exceeding one-half of the last-mentioned rates, at the discretion of the Commissioners.

SCHEDULE D.

TOLLS FOR THE USE OF WAREHOUSES, WHARVES, CRANES, AND WEIGHING MACHINES.

Warehouses and Wharves.

	s.	d.
For every ton of goods which shall remain in any warehouse or shed or any wharf not more than 72 hours	0	9
And for every day or part of a day after such 72 hours	0	6

Cranes.

All goods or packages not exceeding 1 ton	0	2
Exceeding 1 ton and not exceeding 2 tons	0	3
„ 2 „ „ 3 „	0	5
„ 3 „ „ 4 „	0	7
„ 4 „ „ 5 „	0	9
„ 5 „ „ 6 „	0	11
„ 6 „ „ 7 „	1	1
„ 7 „ „ 8 „	1	3
„ 8 „ „ 9 „	1	6
„ 9 „ „ 10 „	1	9
„ 10 and upwards	2	6

Weighing Machines.

For goods weighed twopence for each ton or part of a ton.

SCHEDULE E.

BALLAST CHARGES.

s.	d.	
3	0	per ton for stone ballast, and
1	6	per ton for sand, chalk, or clay ballast.
2	0	per ton in addition to the above to be charged if delivered outside the mouth of the river.

WOODY BAY.

A.D. 1895.

Woody Bay.

Order for the Construction and Maintenance and Regulation of a Pier and Works at Woody Bay in the Parish of Martinhoe and County of Devon.

Undertakers.

1. Benjamin Greene Lake of Woody Bay near Martinhoe in the county of Devon and of the Priory Orpington in the county of Kent Esquire late a Lieutenant-Colonel in Her Majesty's auxiliary forces his heirs assignees and successors in title shall be the Undertakers for carrying this Order into execution.

Limits of Order.

2. The limits within which the Undertakers shall have authority and which shall be deemed the limits to which this Order and the power to levy rates extend and which are in this Order and the schedule hereto termed "The limits of this Order" shall comprise the pier and works authorised by this Order (which expression pier and works includes all the works accesses and conveniences connected therewith) and shall also comprise the area below the line of high water-mark lying within one hundred yards from any part of the pier.

Power to construct works.

3. Subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade require from time to time before the completion of the works in order to prevent injury to navigation the Undertakers may in the lines and situation and according to the levels shown on the deposited plan and sections so far as the same are shown thereon and within the limits of deviation shown on the plan make and maintain the pier and works authorised by this Order with all necessary works accesses and conveniences.

Description of works.

4. The works authorised by this Order include :—

An open pier to be constructed of piles strongly braced and supported and with iron stairways commencing at a point 125 yards or thereabouts in a north-north-easterly direction from the southern end of the landing slip at Woody Bay belonging to the said Benjamin Greene Lake and seventy yards or thereabouts in a west by north direction from the northernmost mooring post in Woody Bay thence extending in a north-easterly direction in a straight line for a distance of eighty yards or thereabouts and terminating there all in the parish of Martinhoe in the county of Devon or in the bed of the sea or of the Bristol Channel adjacent thereto.

Power to construct offices and other buildings and to maintain and improve pier.

5. Subject to the provisions of this order the Undertakers may construct and maintain all warehouses offices and other works buildings and conveniences including rails tramways sidings and turntables which may be found necessary on or in connexion with the said pier and works for the accommodation of vessels goods passengers and traffic landed at or embarked from the same and they may also from time to time dredge scour deepen widen enlarge alter improve and maintain the entrances and channels to the pier and works and the approaches works and conveniences connected therewith. Provided that works authorised by this section below high water-mark shall not be commenced without the assent of the Board of Trade having been first obtained in writing.

A.D. 1895.

Woody Bay.

Provided also that no line of tramway constructed under the powers of this Order shall be used for the public conveyance of passengers unless and until the same shall have been inspected and certified by the Board of Trade to be fit for such traffic.

Power to alter and deviate works.

6. The Undertakers in constructing the pier and works may (with the consent in writing of the Board of Trade) alter and deviate the same vertically or laterally to any extent within the limits of deviation marked on the deposited plan.

Penalty for obstructing works.

7. Every person who wilfully obstructs any person acting under the authority of the undertakers in setting out the lines of the works by this Order authorised or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works or defaces or destroys the said works or any part thereof shall for every such offence be liable to a penalty not exceeding five pounds.

Power to levy rates.

8. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given the undertakersmay subject and according to the provisions of this Order for the use of the pier and works demand receive and recover in respect of persons matters and things described in the schedule to this Order any sums not exceeding the several rates specified in the same schedule.

Rates may be levied though works not completed.

9. When and so soon as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade and paid by the Undertakers that the works authorised by this Order have been so far completed as to afford increased accommodation for the landing and embarking of passengers by means of such works the Undertakers may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order shall not then have been completed demand receive and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as shall in the opinion of the Board of Trade be commensurate to the increased accommodation afforded.

Pass tickets for use of pier.

10. The Undertakers may grant to passengers promenaders and others pass tickets for the use of the pier and works at such rates on such terms and for such periods not exceeding one year as may be agreed upon but so that no preference be given to any person. A pass ticket shall not be transferable nor be used by any person except the person to or for whom it is granted nor by any person after the period limited for its use. If any person acts in any way in contravention of this provision or uses or attempts to use any false or counterfeit pass ticket he shall for every such offence be liable to a penalty not exceeding twenty shillings to be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 for all the purposes of which Act this Order shall be deemed the special Act.

Powers to vary exemptions from rates and to enter into compositions &c.

11. The Undertakers may from time to time confer vary or extinguish exemptions from and enter into compositions with any person or persons with respect to the payment of rates authorised by this Order but so that no preference

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be in any case given to any person and that anything done under this section shall not prejudice the other provisions of this Order.

Board of Trade may reduce rates.

12. If at any time and from time to time the clear annual income derived from the pier and works on the average of the then three last preceding years after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed shall exceed interest at the rate of ten per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing works authorised by this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten per centum per annum and the rates shall thereupon be reduced accordingly but with power to the Board of Trade at any time and from time to time to raise them again to sums not exceeding the amounts specified in the schedule to this Order.

Annual account to be sent to the Board of Trade.

13. The Undertakers within one month after sending to the clerk of the peace the copy of their annual account in abstract (which account shall be made up to the end of the day on the twenty-fifth day of March in each year), shall send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act (1861) Amendment Act shall apply to and include any and every such account. If the Undertakers refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Certain fishing vessels under stress of weather exempt from rates.

14. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the pier or works and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Exemption of Board of Trade officers from rates.

15. Officers of the Board of Trade being in the execution of their duty shall at all times have free ingress passage and egress on into from over along and through and out of the pier and works by land from to and with their vessels and otherwise without payment.

Lifeboat crew to be exempt from rates.

16. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and from the pier and works without payment.

Life-saving apparatus may be attached to pier.

17. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily, and from time to time without payment attach or cause to be attached to any part of the pier or works spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier.

Power to sell or lease undertaking.

18. The Undertakers may from time to time with the consent of the Board of Trade first obtained in writing sell their undertaking and the pier and works

or any part or parts thereof or the rates tolls duties and other charges authorised by this Order or may from time to time lease the same for any term not exceeding seven years from the date of the lease to take effect in possession to such person or persons company or local authority upon such terms and under such restrictions and conditions as they think fit and the purchaser or lessee shall have and may exercise all the same power of levying and recovering rates and dues as the Undertakers have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to all and the same provisions as to accounts and otherwise to which the Undertakers are made subject by this Order.

Power to make byelaws.

19. The Undertakers may make byelaws for the management use and protection of the pier and works for the regulation and control of vessels and boats within the limits of this Order and for the regulation and control of the fishermen and others embarking disembarking frequenting or resorting to or employed at or near the pier approaches and other works authorised by or within the limits of this Order and for the regulation and control of the goods and traffic on and at the pier and may impose and recover a penalty not exceeding forty shillings in any case for the breach or non-observance of any byelaw but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade which shall be sufficient for all purposes.

Power to provide and use cranes, &c.

20. The Undertakers may provide and use such steam and other cranes buoys mooring posts mooring craft weighing machines tackle and other machinery vessels apparatus and conveniences as they think proper for any of the purposes of this Order and may demand take and recover such sums for the use thereof respectively as they think reasonable.

Application of rates received.

21. The rates received under this Order whether by the Undertakers or any receiver to be appointed under the provisions of this Order shall be applicable for the purposes and in the order following and not otherwise :—

(1.) In paying the costs of and connected with the preparation and making of this Order :

(2.) In paying the expense of the maintenance and repair management and regulation of the pier and works within the limits of this Order :

(3.) In paying year by year the interest accruing on money borrowed under this Order and if so arranged in creating a sinking fund for the purpose of discharging money borrowed under this Order :

(4.) The surplus revenue (if any) of the pier and works after providing for the purposes aforesaid shall belong to the Undertakers for their own use.

Power to borrow money.

22. The Undertakers may from time to time borrow and re-borrow on mortgage at interest such money as may be required for the purposes of this Order not exceeding in the whole the sum of two thousand pounds on the security of the rates authorised by this Order.

Application of money borrowed.

23. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by this Order to which capital money is properly applicable and not otherwise.

For appointment of a receiver.

24. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver.

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In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortagees by whom the application for a receiver is made shall not be less than two hundred pounds in the whole.

Sections eighty-six and eighty-seven of the Commissioners Clauses Act 1847 shall be and the same are hereby incorporated with this Order and in these sections as so incorporated the expression the Commissioners shall mean the Undertakers.

Portions of Harbours Clauses Act excepted.

25. Sections sixteen to nineteen of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Undertakers shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the pier and build on such site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus and shall be liable to a penalty not exceeding ten pounds for every month during which they omit to provide such accommodation.

Undertakers to be local authority.

26. Within the limits of this Order the Undertakers shall by a local authority within the meaning of the Merchant Shipping Act 1894 and shall have all the powers and privileges conferred by that Act on local authorities.

Vessels not to break bulk within limits.

27. No vessel or boat shall break bulk within the limits of this Order without the consent of the Undertakers or their piermaster.

Vessels not to moor alongside pier without consent &c.

28. No vessel or boat shall be moored alongside the pier without the consent of the Undertakers or their piermaster.

Sheep cattle &c. not to be shipped or unshipped without consent.

29. Nothing in this Order shall without the consent of the Undertakers or their piermaster entitle any person with any vessel or boat to ship or unship at the pier any sheep cattle or merchandise or to ship or unship anything which in the judgment of the Undertakers or their piermaster might in any measure interfere with the use of the pier for recreation or for the embarking or landing of passengers.

Meters and weighers.

30. The Undertakers shall have the appointment of meters and weighers within the limits of this Order.

Life buoy.

31. The Undertakers shall at all times keep at the outer extremity of the pier a life buoy and line in good order and ready for use.

Pier and works to be deemed within the parish of Martinhoe.

32. The pier and works shall in respect of all matters crimes or offences arising or committed thereon or within the limits of this Order requiring the cognizance of any justice of the peace be deemed and taken to be within or as forming part of the parish of Martinhoe in the county of Devon and within the jurisdiction of any justice acting within and for the division of which that parish forms part.

As to lights during the construction of the works.

33. Before commencing the works authorised by this Order the Undertakers shall apply to the Board of Trade for directions as to the light or lights (if any) to be exhibited and shall in all respects obey any direction given upon such application or afterwards from time to time given as to lights by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works and the Undertakers shall be liable to a penalty not exceeding ten pounds for every month during

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which they omit so to apply or refuse or neglect to observe any direction so given.

As to lights after the completion of the works.

34. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Undertakers shall at the outer extremity of the harbour pier and works or the completed portion thereof or in such other place or places as may be required exhibit from sunset to sunrise such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House of Deptford Strond and shall apply to that corporation for directions as to lighting and the Undertakers shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any such direction.

Provision against danger to navigation.

35. In case of injury to or destruction or decay of the pier or works of the Undertakers or any part thereof the Undertakers shall lay down such buoys exhibit such lights or take such other means for preventing as far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken and the Undertakers shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any such direction.

Power to cease in certain events.

36.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced the powers by this Order given for executing such works or otherwise in relation thereto shall cease unless the time for commencement be extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order after having been substantially commenced should be virtually suspended for twelve consecutive months the powers by this Order given for executing such works or otherwise in relation thereto shall cease except as to so much of such works as shall be then completed unless such powers shall by the special direction of the Board of Trade be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

Saving rights under the Crown Lands Act 1866.

37. This Order shall not be taken as a consent to the surrender of any rights interests powers authorities or privileges transferred to the management of the Board of Trade by the Crown Lands Act 1866 nor shall any works under this Order be commenced within limits affected by any such rights interests powers authorities or privileges without the assent of the Board of Trade having been first obtained.

Saving rights of the Crown.

38. This Order shall not be taken as a consent to the surrender of nor shall anything in this Order prejudice or affect any property interests rights powers authorities or privileges of Her Majesty in right of Her Crown which are under the management of the Commissioners of Woods or either of them.

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Costs of Order.

39. All costs charges and expenses of and incidental to preparing and obtaining this Order or otherwise incurred in reference thereto shall be paid by the Undertakers.

Short title.

40. This Order may be cited as the Woody Bay Pier Order 1895.

The SCHEDULE to which the foregoing Order refers.

I.—Rates for Use of Pier.

	£	*s.*	*d.*
For every passenger or other person landing on the pier from or embarking from it on board of any ship vessel packet or passage boat for each time any sum not exceeding - - -	0	0	2
For every person using the pier for the purpose of walking for exercise pleasure or any other purpose except for embarking or disembarking for each time any sum not exceeding - -	0	0	2
For every bath or sedan chair including the driver taken on the pier for each time any sum not exceeding - - - -	0	0	4
For every perambulator including the driver taken on the pier for each time any sum not exceeding - - - - -	0	0	3
For every master of any vessel boat or wherry using the pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding - - - -	1	0	0

II.—Rates on Passengers' Luggage landed shipped or transhipped at the Pier.

	£	*s.*	*d.*
For every trunk portmanteau box parcel or other package within the description of luggage and not borne by the passenger not exceeding 28 lbs. - - - - - -	0	0	2
Over 28 lbs. and not exceeding 84 lbs. - - - -	0	0	3
Over 84 lbs. and not exceeding 112 lbs. - - - -	0	0	4
Over 112 lbs. and not exceeding 140 lbs. - - -	0	0	5
Over 140 lbs. and not exceeding 196 lbs. - - - -	0	0	6
Over 196 lbs. and not exceeding 2 cwt. - - - -	0	0	7
And for every 20 lbs. weight in addition or part thereof - -	0	0	1

III.—Rates on Vessels mooring or anchoring within the limits specified in the Order.

	£	s.	d.
For every vessel not exceeding 15 tons per ton burden	0	0	4
For every vessel exceeding 15 tons and under 50 tons register per ton register	0	0	5
For every vessel of 50 tons and under 100 tons per ton register	0	0	6
For every vessel of 100 tons and under 150 tons per ton register	0	0	8
For every vessel of 150 tons and upwards per ton register	0	1	0
For every barge or lighter for each trip per ton	0	0	2
All boats entirely open landing or taking on board goods each	0	0	6
All vessels mooring or anchoring within the limits of the Order for refuge or for fishing provided they do not break bulk	free.		

IV.—Rates on Goods shipped transhipped or unshipped at the Pier.

	£	s.	d.
Ale beer and porter in cask per 54 gallons	0	0	6
Ale beer or porter bottled per 36 gallons	0	0	4
Ale beer or porter bottled per dozen quart bottles	0	0	2
Ale beer or porter bottled per dozen pint bottles	0	0	1
Anchors per cwt.	0	0	9
Anchor stock per foot run	0	0	2
Ballast per ton	0	1	6
Bark per ton	0	1	6
Beef or pork per cwt.	0	0	3
Biscuits or bread per cwt.	0	0	3
Blubber per 250 gallons	0	3	0
Bones and bone dust per ton	0	1	0
Bottles per gross	0	0	9
Bricks per 1000	0	1	0
Butter and lard per cwt.	0	0	2
Bicycles and tricycles each	0	1	6
Cables iron or hempen per ton	0	3	0
Canvas per 40 yards	0	0	1
Carriages :			
Chaises and other four-wheeled carriages each	0	7	6
Gigs carts and other two-wheeled carriages each	0	5	0
Hand-carts and perambulators each	0	1	0
Casks (empty) not being returned packages each	0	0	3
Cattle :			
Bulls cows and oxen each	0	2	0
Calves each	0	0	9
Horses each	0	3	0
Mules ponies or donkeys each	0	2	0
Pigs each	0	0	3
Sheep each	0	0	3
Chalk per ton	0	1	0

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	£	s.	d.
Cheese per cwt.	0	0	4
Chimney pots each	0	0	2
Clay per ton	0	1	0
Cloth haberdashery per cwt.	0	0	6
Coals per ton	0	0	6
Copper per ton	0	3	0
Cordage per cwt.	0	0	3
Corks per cwt.	0	0	6
Crystal per ton	0	5	0
Dogs each	0	0	6
Drugs (in casks hampers or boxes) per cubic foot	0	0	2
Earthenware (in crates) per cubic foot	0	0	1
Eggs per cwt.	0	1	0
Fish (not sold by auction) turbot brill halibut soles cod and ling per cwt.	0	0	3
Fish (not sold by auction) herrings (fresh) per 1000	0	0	3
Fish (not sold by auction) herrings (salt) per cwt.	0	0	3
Fish (not sold by auction) oysters crabs and lobsters per half cwt.	0	0	2
Fish (not sold by auction) (dried and salted) per cwt.	0	0	3
Fish (not sold by auction) (fresh) not enumerated per cwt.	0	0	2
Fish of all kinds (sold by auction) one pound per cent. upon the gross amount realized by the sale Any fraction of a shilling to be reckoned as a shilling.			
Flax per ton	0	2	0
Flour and meal per 4 bushels	0	0	3
Flour and meal per cwt.	0	0	3
Furniture (household) per 5 cubic feet	0	0	4
Fruit per bushel	0	0	4
Fuel manufactured per ton	0	0	6
Glass per cwt.	0	1	0
Grain and seeds per 100 lbs.	0	0	1½
Groceries not enumerated per cwt.	0	0	6
Guano per ton	0	1	0
Gunpowder per cwt.	0	0	6
Hams bacon or tongues per cwt.	0	0	4
Hardware per ton	0	2	6
Hares and rabbits per dozen	0	0	4
Hay per ton	0	1	6
Hemp per ton	0	2	0
Hides:			
Ox cow or horse (wet or dry) each	0	0	2
Ice per ton	0	1	0
Iron:			
Bar bolt rod and shots per ton	0	1	6
Pig and old per ton	0	1	0
Manufactured per ton	0	2	6
Pots each	0	0	1

		£	s.	d.
	Kelp per ton	0	2	0
	Lead per ton	0	2	0
	Leather (tanned and dressed) per cwt.	0	0	3
5	Lime per twenty-eight bushels	0	1	4
	Limestone per ton	0	0	6
	Machinery per ton	0	2	6
	Manure (not enumerated) per ton	0	1	0
	Masts and spars ten inches in diameter and upwards each	0	4	6
10	Masts and spars under ten inches in diameter each	0	3	0
	Meat (fresh) per cwt.	0	0	6
	Milk per gallon	0	0	0½
	Musical instruments per cubic foot	0	0	1
	Mussels or other bait for fish per ton	0	1	0
15	Nets per 5 cubic feet	0	0	4
	Oakum per cwt.	0	0	2
	Oils per ton	0	2	0
	Oilcake per ton	0	1	6
	Oranges and lemons per cwt.	0	0	6
20	Ores per ton	0	1	0
	Paint per cwt.	0	0	2
	Peat per ton	0	0	6
	Pitch and tar per cwt.	0	0	2
	Potatoes per cwt.	0	0	2
25	Poultry and game per dozen	0	0	4
	Rags and old rope per ton	0	2	0
	Sails per cwt.	0	0	6
	Salt per cwt.	0	0	1
	Sand per ton	0	1	0
30	Shrimp baskets each	0	0	2
	Skins :			
	Calf goat sheep lamb or dog per dozen	0	0	6
	Slates per 24 cubic feet	0	0	3
	Spirits per 54 gallons	0	2	0
35	Spirits per gallon	0	0	2
	Steel per ton	0	3	0
	Stones per 16 cubic feet	0	1	6
	Sugar per cwt.	0	0	3
	Tallow soap and candles per cwt.	0	0	3
40	Tea per 56 lbs.	0	1	0
	Tiles per 1,000	0	1	0
	Tin and zinc per ton	0	3	0
	Tobacco per cwt.	0	0	6
	Turnips per ton	0	0	6
45	Turpentine and varnish per cwt.	0	0	2
	Turtle each	0	2	6
	Vegetables (not enumerated) per cwt.	0	0	4
	Vinegar per 54 gallons	0	0	6
	Vitriol per 36 gallons	0	0	1

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	£	s.	d.
Water per 54 gallons	0	0	3
Wine per 54 gallons	0	1	0
Wine (bottled) per gallon	0	0	1
Wood :			
per 50 feet	0	1	0
Firewood and laths and lathwood per 216 cubic feet	0	1	6
Spars and oars per 120	0	5	0
Treenails and wedges per 1000	0	2	6
Pipe-staves and others in proportion per 120	0	2	6
Lignum vitæ fustic logwood mahogany and rosewood per ton	0	2	0
Wool per cwt.	0	0	2
Yarn per cwt.	0	0	2

All other Goods not particularly enumerated above.

Light goods per cubic foot	0	0	1
Heavy goods per ton	0	2	0

In charging the rates on goods the gross weight or measurement of all goods to be taken and for any less weights measures and quantities than those above specified a proportion of the respective rates shall be charged.

V.—For the Use of Cranes Weighing Machines and Sheds.

1.—*Rates of Craneage.*

All goods or packages not exceeding 1 ton	0	0	4
Exceeding 1 ton and not exceeding 2 tons	0	0	6
Exceeding 2 tons and not exceeding 3 tons	0	0	8
Exceeding 3 tons and not exceeding 4 tons	0	0	10
Exceeding 4 tons and not exceeding 5 tons	0	1	0
Exceeding 5 tons and not exceeding 6 tons	0	1	2
Exceeding 6 tons and not exceeding 7 tons	0	1	4
Exceeding 7 tons and not exceeding 8 tons	0	1	6
Exceeding 8 tons and not exceeding 9 tons	0	1	10
Exceeding 9 tons and not exceeding 10 tons	0	2	4
Exceeding 10 tons	0	3	6

2.—*Weighing Machines.*

For goods weighed for each ton or part of a ton	0	0	2

3.—*Shed Dues.*

For each ton of goods which shall remain in the sheds or on the other works of the pier for a longer time than 24 hours the sum of 3*d.* and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 24 hours.

	£	s.	d.
For any portmanteau trunk parcel or other article of passengers' luggage for each day or part of a day per package - - - - - -	0	0	2

It shall be at the option of the Undertakers to ascertain the amount of dues payable on goods either by weight or by measurement at their option 40 cubic feet being held equal to one ton.

Pier and Harbour Provisional Orders (No. 1).

A

B I L L

To confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Minehead, Morecambe, Moy River, and Woody Bay.

(*Prepared and brought in by Mr. Burt and Mr. Bryce.*)

Ordered, by The House of Commons, *to be Printed*, 8 *April* 1895.

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[Bill 197.]

A

B I L L

TO

Confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Banff Bognor Dunoon Swanage and Whitehills. A.D. 1895.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same, as follows:—

Confirmation of Orders in schedule.

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and force.

Special provisions as to houses of labouring class.

2. The undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district in England or in Scotland in any district within the meaning of the Public Health (Scotland) Act 1867 as the case may be ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied:

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For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Short title.

3. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 2) Act 1895.

THE SCHEDULE OF ORDERS.

1. Banff.—Amendment of local Act.
2. Bognor.—Amendment of Order of 1893.
3. Dunoon.—Construction of piers.
4. Swanage.—Extension of pier.
5. Whitehills.—Construction of harbour works and constitution of Harbour Authority.

BANFF.

A.D. 1895.

Banff.

Order for amending an Act passed in the Third and Fourth Years of the Reign of Her Majesty Queen Victoria relating to Banff Harbour and for conferring further Powers upon the Banff Harbour Trustees.

Short title. Order to be read with Act of 1840.

1. This Order may be cited as the Banff Harbour Order 1895 and shall be construed as one with so much of the following Act as relates to Banff Harbour namely An Act passed in the third and fourth years of the reign of Her Majesty Queen Victoria entituled an Act for Regulating the Municipal Government and Expenses of the Royal Burgh of Banff North Britain for establishing an effective police within the same and also for maintaining improving and regulating the harbour of the said royal burgh (in this Order referred to as the Act of 1840) and this Order and the Act of 1840 as amended and varied by this Order shall be read and construed together as one Act or Order.

Interpretation.

2. In this Order the expression the Trustees means the Trustees as constituted by the Act of 1840) and this Order and the expression the harbour means the port and harbour of Banff as defined in the Act of 1840.

Repeal of sections 103 and 133 of Act of 1840 and new provisions as to qualification of electors for and of Shipowners' Trustees and of Traders' Trustees.

3. From and after the passing of the Act confirming this Order sections one hundred and three and one hundred and thirty-three of the Act of 1840 shall be and the same are hereby repealed and in lieu of the provisions of section one hundred and three the following provisions shall have effect:

The persons who shall be qualified and entitled to elect and to be elected as Shipowners' Trustees shall be every person in the royal burgh of Banff who shall be at the time of election a registered owner or part owner in his own right or in right of his wife or as Trustee for a shipping company of any ship fishing boat or other vessel trading to or from or belonging to the harbour and who shall be liable in payment of rates as such under the Act of 1840 or this Order and the persons who shall be qualified to be elected as Traders' Trustees shall be persons resident within the said burgh who shall at the time of election actually carry on trade or business within the said burgh and be liable as traders in payment of rates under the Act of 1840 or this Order.

Application of Act of 1840 to Shipowners' and Traders' Trustees and electors.

4. All the provisions of the Act of 1840 with reference to Shipowners' and Traders' Trustees and the electors of such Trustees as the same are varied by this Order shall apply to Shipowners' and Traders' Trustees and the electors of such Trustees as provided by this Order:

Amendment of section 117 of Act of 1840.

5. On and from the first Monday in the month of September 1895 so much of section one hundred and seventeen of the Act of 1840 as provides that the quorum of the Trustees shall be five is hereby repealed and the number of the Trustees to form a quorum shall be three.

Repeal of certain schedules of Act of 1840 and re-enactment of new

6. On and from the first Monday in the month of September 1895 the Schedules D. and F. annexed to the Act of 1840 shall be and the same are hereby cancelled and repealed and the schedule to this Order annexed shall be and the same is hereby substituted in place of the schedules so cancelled and repealed and all the provisions of the Act of 1840 having relation to the schedules so

schedules in lieu thereof. Saving as to rates, &c., becoming due under schedules repealed.

cancelled and repealed including the provision having relation to the security over such rates for borrowed money shall be read and have effect as if the schedule to this Order had been annexed to and formed part of the Act of 1840. Nevertheless all dues rates and moneys becoming due before the first Monday in the month of September 1895 may be received and recovered in like manner as if this Order had not been made.

Revision of rates.

7. The Trustees shall from time to time revise the rates and duties authorised under this Order so that the income of the Trustees under the Act of 1840 and this Order may always be so far as practicable sufficient and not more than sufficient for the purposes of the Act of 1840 and this Order and if at any time and from time to time the clear annual income of the Trustees on the average of the then three last preceding years after payment of all expenses and outgoings shall exceed the amount sufficient to answer the purposes of the Act of 1840 and this Order the Board of Trade may if in their discretion they think fit reduce such rates and duties to such sums as will be sufficient to provide the amount aforesaid with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the sums specified in the schedule to this Order.

Annual account to be sent to Board of Trade.

8. The Trustees within one month after sending to the sheriff clerk the copy of their annual account in abstract (which account shall be made up to the end of the day on the twenty-fifth day of March in each year) shall send a copy of the same to the Board of Trade and section sixteen of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account. If the Trustees neglect or refuse to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Certain fishing vessels under stress of weather exempt from rates.

9. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties or port charges such vessels when driven by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the harbour and works and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Certain officers exempt from rates.

10. The Secretary for Scotland and any person or persons deputed by him and officers of the Board of Trade and of the Fishery Board for Scotland being in the execution of their duty shall at all times have free ingress passage and egress to in through and out of and from the harbour and works by their vessels and otherwise without payment.

Lifeboat crews exempt from rates.

11. All persons going to or returning from any lifeboat or using any apparatus for saving life or being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and from the harbour and works without payment.

Boats not to anchor within Harbour.

12. No vessel or boat shall without the consent of the Trustees or their harbour master anchor within the limits of the harbour. No vessel which shall for the time being be out of employment shall be permitted to lie within the limits of the harbour to the interruption or hindrance of the trade or business of

the port and in case of refusal or neglect to comply with any order of the Trustees for the removal of such vessel from the limits of the harbour the owner or person in charge thereof shall be liable to a penalty not exceeding twenty pounds.

Portions of Harbour Clauses Act excepted.

13. Sections sixteen to nineteen and twenty-five and twenty-six of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Trustees shall at their own expense when required by the Board of Trade provide to the satisfaction of the Board of Trade a site near the harbour and build on such site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus and shall be liable to a penalty not exceeding ten pounds for every month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Harbour lights.

14. The trustees shall at the outer extremity of their harbour and works exhibit during all or any part of the time from sunset to sunrise according to the season of the year and the requirements of the traffic such light or lights if any as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to lighting and the Trustees shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction so given.

Provision against danger to navigation.

15. In case of injury to or destruction or decay of any works in the harbour the Trustees shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to the means to be taken and the Trustees shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Byelaws.

16. The Trustees may make byelaws for the regulation and control of vessels and boats within the harbour and for the regulation and control of the fishermen and other persons and goods and traffic in and on the harbour and works ground or property belonging to the Trustees and used for harbour purposes but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade which shall be sufficient for all purposes Provided that all byelaws made and approved under the Act of 1840 shall remain in force until altered or repealed by byelaws made allowed and confirmed under the authority of this section.

Costs of Order.

17. All the costs charges and expenses of or incident to preparing and obtaining this Order or otherwise incurred in relation thereto shall be paid by the Trustees.

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SCHEDULE to which the foregoing Order refers.

I.—Tonnage Duties.

	s.	d.	
For all vessels whatever entering the harbour to load or unload per register ton	0	4	5
For all vessels wind-bound or otherwise and not loading or unloading per register ton	0	2	
For ditto when laid up to winter or remaining in the harbour for any longer period than forty-two days for each month or commencement of a month per register ton	0	3	10
Vessels launched at the harbour to pay half dues on first voyage if sailing in ballast but if loading to pay full dues.			
Vessels arriving and departing in ballast to pay half dues.			

II.—Duties for Boats exclusive of their Cargoes.

For all boats engaged in the herring fishery at the port in full of tonnage duty including charges for water for the period of their fishing season being from first July to first September payable annually on fifteenth July	1	0	0	15
All boats loading or discharging herrings not engaged at the port for the season shall on each occasion of entering the harbour pay one shilling each and when wind-bound one shilling each.				20
Other boats each loading or discharging	0	1	0	
Ditto wind-bound	0	1	0	
For each white fishing boat for period commencing first September and ending thirty-first January payable in advance	0	10	0	25
For each white fishing boat for period commencing first February and ending thirtieth June payable in advance	0	10	0	
For each white fishing skiff under seven tons register for period commencing first September and ending twenty-eighth February payable in advance	0	2	6	30
For the like for period commencing March first and ending thirty-first August payable in advance	0	2	6	
For boats and fishing vessels fitting out for or returning from other fishing stations not paying dues as above including dues on furniture	0	2	6	35

III.—Rates on Goods shipped transhipped or unshipped in the Harbour.

Articles of Import and Export.	Weight or Measure.	Rates. s.	Rates. d.	
Ale porter and beer	per gallon	0	0½	40
„ „ bottled	per cwt.	0	6	
„ „	per dozen bottles	0	1	

Articles of Import and Export.	Weight or Measure.	Rates. s.	Rates. d.
Anchors	per cwt.	0	2
Animals. *See* Cattle.			
Ballast	per ton	0	3
Bark :—			
Oak	per ton	1	6
Quercitron	per ton	1	6
Barrels :—			
Empty	each	0	1
With white fish beef pork &c. (exclusive of contents)	each	0	3
Baskets under twelve inches diameter	per dozen	0	6
„ above „ „	per dozen	1	0
Basket rods	per cwt.	0	2
Black beer	per 3 galls.	0	2
Bedding	per cwt.	0	6
Biscuit or bread	per cwt.	0	3
Blubber	per ton	2	0
Bones of cattle &c.	per ton	1	0
„ crushed or bone dust	per ton	1	0
Bottles :—			
Green or common empty	per gross	0	4
Earthen or stone	per gross	0	4
Broken	per cwt.	0	1½
Bran	per ton	1	0
Brandy. *See* Spirits.			
Brass	per cwt.	0	2
Bricks	per 1,000	1	0
Brooms common	per dozen	0	2
Bulls. *See* Cattle.			
Butter	per cwt.	0	9
Calves. *See* Cattle.			
Carboys empty	each	0	1
Carrots	per ton	0	8
Casks:			
Puncheons empty	each	0	6
Hogsheads „	each	0	3
Half hogsheads and under empty	each	0	2
Cattle :—			
Bulls	each	2	0
Cows oxen or queys	each	2	0
Calves	each	1	0
Horses	each	3	0
Ponies under 12 hands	each	1	6
Asses or mules	each	1	0
Pigs	each	0	3
Sheep	each	0	2
Lambs	each	0	2
Cattle and horses from Orkney and Shetland	each	0	8
All not enumerated	each	0	6
Cement	per ton	1	6
Chalk	per ton	1	0
Cheese	per cwt.	0	4
Chemical and other artificial manure and manures not enumerated	per ton	1	0
Chimney tops pots or cans	each	0	1
Cinders and charcoal	per ton	1	0

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Articles of Import and Export.	Weight or Measure.	Rates. s.	Rates. d.
Clay :—			
China or stone	per ton	0	6
Pipe	per ton	0	6
Clocks	each	1	0
Clothiery haberdashery silk mercery hosiery and all such articles	per cwt.	0	6
Coals	per ton	0	6
Cod or ling fresh salted or cured	per hundred	1	3
Codilla	per ton	3	0
Copper	per ton	3	0
„ old	per ton	2	0
„ ore	per ton	1	0
Coprolites	per ton	1	0
Cork	per cwt.	0	6
Corn and meal :—			
Barley and bigg	per quarter	0	1½
„ shelled and pearl	per quarter	0	3
Beans	per quarter	0	2
„ French	per quarter	0	3
Indian corn	per quarter	0	2
Meal of all kinds	per ton	2	0
Malt	per quarter	0	2
Oats	per quarter	0	1½
Pease	per quarter	0	3
„ split	per quarter	0	1½
Rye	per quarter	0	3
Wheat	per quarter	0	3
Flour	per ton	2	0
Cotton wool	per cwt.	0	3
Crystal	per cwt.	0	6
Dogs :—			
Sporting	each	0	8
Sheep &c.	each	0	4
Dung	per ton	0	6
Drugs	per cwt.	0	4
Earthenware	per ton	2	6
Eggs	per cwt.	0	4
Feathers	per cwt.	0	6
Fish :—			
Dry or salted	per cwt.	0	1½
Fresh not enumerated	per cwt.	0	2
Flax	per ton	3	0
Fruit of all kinds	per cwt.	0	4
Furniture (household)	per ton	2	0
Garbage	per cwt.	0	1
Gin. *See* Spirits.			
Gunpowder	per cwt.	0	6
Glass	per cwt.	0	6
Grain and seeds not enumerated	per ton	2	0
Grease	per ton	2	8
Groceries of all kinds	per cwt.	0	4
Guano	per ton	1	6
Hair :—			
Baken	per ton	3	0
Plasterer's	per ton	2	0
Hardware	per cwt.	0	4

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	Articles of Import and Export.	Weight or Measure.	Rates.	
			s.	*d.*
	Hay	per ton	1	6
	Hemp	per ton	3	6
5	Herrings (salted or cured)	per $26\frac{2}{3}$ gallons	0	2
	„ (fresh)	per $37\frac{1}{2}$ gallons	0	4
	Hoops of wood viz.:—			
	Ware and half ware	per 1,200	0	6
	Pink and half pink	per 1,200	0	4
10	Hides wet or dry	each	0	2
	„ horses and sheep	per ton	1	6
	Iron of all kinds	per ton	1	0
	Iron ore	per ton	0	6
	Pots	each	0	1
15	Kelp	per ton	1	6
	Kiln pavement	per ton	1	0
	Lard	per cwt.	0	6
	Lead	per ton	2	0
	„ ore	per ton	1	0
20	„ shot	per ton	3	6
	Leather tanned and dressed	per cwt.	0	2
	Lemons and oranges	per cwt.	0	6
	Lignum vitæ. *See* Wood.			
	Lime	per ton	1	0
25	Loam and common clay	per ton	0	6
	Limestone	per ton	1	0
	Machinery	per ton	2	6
	Mahogany. *See* Wood.			
	Meat (fresh)	per cwt.	0	6
30	Manganese	per ton	1	0
	„ ore	per ton	0	6
	Marble	per ton	2	8
	Mill waste	per ton	1	8
	Molasses	per ton	2	0
35	Oakum	per ton	2	8
	Oils of all kinds	per cwt.	0	4
	Oilcake	per ton	1	6
	Paper	per cwt.	0	4
	Passengers' luggage	per cwt.	0	4
40	Pelts	per ton	2	0
	Pewter	per ton	2	0
	„ old	per ton	1	0
	Paint	per cwt.	0	4
	Pipes of all kinds	per cwt.	0	1
45	Pitch	per cwt.	0	2
	Plaster of Paris	per ton	2	8
	Plate silver	per cwt.	1	0
	Potatoes	per ton	1	0
	Poultry and game	per dozen	0	4
50	Rags and old rope	per ton	1	6
	Rape cotton or linseed cakes	per ton	1	6
	Ropes and cordage of all descriptions	per ton	2	0
	Sails	per ton	2	0
	Salt	per ton	0	9
55	Salmon (fresh)	per cwt.	0	3
	Skins—calf goat sheep lamb dog	per dozen	0	6
	Slates	per 1,200	1	6
	Soda	per ton	2	0

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Articles of Import and Export.	Weight or Measure.	Rates. s.	Rates. d.
Spades or shovels	per dozen	0	2
Spirits of all kinds	per 54 gallons	4	0
" "	per gallon	0	1
Steel	per ton	2	0
Straw	per ton	1	0
Stones:—			
Rubbled freestone	per 16 cubic feet	0	2
Hewn ashlar freestone	per ton	0	3
Rough ashlar freestone	per ton	0	3
Rubble causeway	per ton	0	2
Causeway dressed	per ton	0	2
Pavement dressed	per ton	0	6
Building	per ton	0	2
Curb	per ton	0	3
Gravestones	each	1	0
Scythe stones	per 250	0	4
Grindstones	each	0	6
Millstones	each	2	6
All not mentioned	per ton	0	6
Stucco	per ton	2	8
Stour ware	per ton	2	0
Sugar of all kinds	per ton	2	0
Tallow soap and candles	per cwt.	0	3
Tanners' waste	per ton	1	0
Tar	per cwt.	0	6
Teas	per cwt.	0	4
Tiles pipes &c. for roofing or draining	per ton	0	4
Tobacco	per cwt.	0	4
Tow	per ton	2	0
Turnips	per ton	0	9
Tin and zinc	per ton	3	0
Turpentine and varnish	per gallon	0	0½
Vegetables not enumerated	per cwt.	0	4
Vinegar	per 54 gallons	0	6
Vitriol	per ton	1	0
Whalebone or whalefins	per ton	2	6
Wheels coach or cart	per pair	0	9
Whitening	per ton	0	9
Wine	per 54 gallons	1	0
" bottled	per doz. bottles	0	2
Wood:—			
Mahogany lignum vitæ and other fancy woods.	per ton	3	4
Plain timber unmanufactured	per 50 cubic feet	2	0
Sleepers props staves and sawn wood not enumerated.	per one pound value at the port.	0	6
Firewood	per ton	1	6
Laths and lathwood	per ton	2	6
Handspikes	per 120	3	0
Oars	per 120	5	0
Spars under 22 feet in length above 2½ and under 4 inches in diameter.	per 120	5	0
Do. 2½ inches in diameter and under	per 120	4	0
Spars 22 feet in length and upwards and not exceeding 4 inches in diameter.	per 120	9	0

Articles of Import and Export.	Weight or Measure.	Rates. s.	Rates. d.
Wood—*continued.*			
Spars above 4 and under 6 inches in diameter.	per 120	14	0
Spokes of wheels	per 120	2	0
Treenails	per 1,000	2	6
Wedges	per 1,000	2	6
Pipe staves and others in proportion	per 120	2	6
Wool raw of all kinds	per cwt.	0	4
Do. combed	per cwt.	0	4
Woad or wald	per ton	2	8
Yarn of all kinds	per cwt.	0	2

Exemption from the foregoing Rates.

1. All goods landed from any vessel and re-shipped in the same vessel in the original packages and without being transferred from the lander or if such goods have been put into other packages from the original packages having been destroyed or damaged shall only pay duties on landing and may be re-shipped in the same vessel upon her departure outwards without paying rates again.

2. All goods landed from one vessel and re-shipped in the original packages by another vessel shall on landing pay one rate only.

3. All goods transferred from one ship to another in the original packages without being landed shall pay one-half duties only.

4. In case any goods having paid shore dues when loaded shall from any accident or otherwise be unloaded the same shall not be chargeable with a second payment on being re-loaded.

5. The furniture and luggage of fishermen coming to or returning from the herring fishery at the commencement or end of the season are exempt.

6. Stones timber tools machinery or other materials for the use of the piers harbour and works are exempt.

7. Foreign wood landed at the port or having paid full rates and re-shipped unmanufactured shall be charged half rates only on such re-shipment.

8. Vessels which may go into the dry dock or upon the patent slip within the harbour to be repaired although such vessels should require six weeks or a longer period for that purpose shall not be liable to wintering dues while they remain upon the slip or in the dock but the dues only which such vessels would be liable to pay in any other circumstances

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Banff.

IV. Rates for the use of Cranes Weighing Machines Warehouses or Sheds Hurries and Hawsers Lights and Water.

1. *Rates of Craneage.*

	s.	d.
For all goods or packages not exceeding 1 ton	0	3
Exceeding 1 ton and not exceeding 2 tons	0	4
Exceeding 2 tons and not exceeding 3 tons	0	6
Exceeding 3 tons and not exceeding 4 tons	0	8
Exceeding 4 tons and not exceeding 5 tons	0	10
Exceeding 5 tons and not exceeding 6 tons	1	0
Exceeding 6 tons and not exceeding 7 tons	1	2
Exceeding 7 tons and not exceeding 8 tons	1	4
Exceeding 8 tons and not exceeding 9 tons	1	8
Exceeding 9 tons and not exceeding 10 tons	2	0
Exceeding 10 tons	3	0

2. *Dues for Weighing Machines.*

	s.	d.
For potatoes and coals each ton or part of a ton	0	4
For other goods each ton or part of a ton	0	6

3. *Warehouse or Shed Dues.*

For each ton of goods which shall remain in the warehouse or sheds or on the quays of the harbour for a longer time than 24 hours and less than 48 hours the sum of 3*d.* and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

4. *Dues for Hurries.*

For each ton of goods shipped by means of the hurries ½*d.* per ton.

5. *Hawser Dues.*

For every vessel under the burden of 100 tons 6*d.* per vessel.
For every vessel of the burden of 100 tons or upwards 1*s.* per vessel.

6. *Pier Head Lights.*

		s.	d.
Vessels of 30 to 50 tons	each voyage	0	6
Vessels of 60 to 80 tons	each voyage	0	9
Vessels of 80 to 100 tons	each voyage	1	0
Vessels of 100 to 120 tons	each voyage	1	6
Vessels of 120 tons and upwards	each voyage	2	6
Herring boats for the fishing season		1	6

But rates for lights shall only be demanded and received so long as a light or lights are duly exhibited during the proper hours.

7. *Water Money.*

	s.	d.
Water supplied to vessel per 25 gallons	0	3

Exemptions.

Vessels which have sailed from the harbour and put back by stress of weather or from any other cause without having accomplished their voyage are not liable to additional dues.

BOGNOR.

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Bognor.

Order for Amending the Bognor Pier Order, 1893, as to the Construction of portions of the Works, and for other purposes.

Short title.

1. This Order may be cited as the Bognor Pier Order 1895 and this Order and the Bognor Pier Order 1893 in this Order called the Order of 1893 as the same is varied by this Order shall be read and construed together as one Order.

Undertakers.

2. The Urban District Council for the District of Bognor (who claim that under a certificate given by the Board of Trade pursuant to section forty-one of the Order of 1893 and by force of section forty-two of the same Order or otherwise the pier undertaking authorised by that Order has become vested in them as the successors of the Bognor Local Board) shall be the Undertakers for the purpose of carrying this Order into execution and are in this Order called the Undertakers.

Revival of powers of the Order of 1893.

3. The powers conferred by the Order of 1893 upon the Undertakers thereunder and all the provisions of that Order except sub-section one of section forty-two thereof shall be and the same are hereby revived and made applicable to the Undertakers and may be exercised and shall have effect in like manner and subject to the like restrictions and with the same consequences whether as to commencement execution or completion of works or levying of rates or otherwise as if the same powers and provisions had been conferred on the Undertakers by and contained in this Order.

Abandonment of certain works. Power to shorten existing pier.

4. The Undertakers may if they think fit abandon the construction of the extension seawards of the existing pier at Bognor authorised by the Order of 1893 and also may if they think fit shorten the existing pier in such manner as may be approved of in writing by the Board of Trade.

Rates may be levied although works not completed.

5. When and so soon as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade and paid by the Undertakers that works authorised by the Order of 1893 and this Order have been so far executed or completed as to afford increased accommodation for the landing and embarking or shipping of passengers or goods by means of such works the Undertakers may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised shall not then have been completed demand recover and receive such of the rates or such proportion of all or any of the rates specified in the schedule to the Order of 1893 as shall in the opinion of the Board of Trade be commensurate to the accommodation afforded.

Saving of right to levy old rates.

6. Until the rates authorised by the Order of 1893 or any parts or proportions thereof become capable of being demanded and received this Order or anything herein contained shall not prevent the Undertakers from demanding recovering and receiving any rates rents or charges which were legally leviable before the passing of the Act confirming the Order of 1893 in respect of the then existing pier and works.

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Bognor.

Costs of Order.

7 All the costs charges and expenses of or incidental to the preparing and obtaining of this Order or otherwise incurred in relation thereto such costs to be taxed by the proper officer shall be paid by the Undertakers out of the district fund and general district rate or any other fund or rate applicable towards defraying the expenses of the execution of the Public Health Act 1875.

Dunoon.

DUNOON.

Order for the construction maintenance and regulation of new Piers and Works at Dunoon in the county of Argyll.

Undertakers.

1. The Commissioners of the burgh of Dunoon in the county of Argyll (in this Order called "the Commissioners") shall be the Undertakers for carrying this Order into execution and shall have and may exercise the powers privileges and authorities conferred by this Order.

Incorporation of Lands Clauses Acts.

2. The Lands Clauses Acts except so much thereof as relates to the purchase or taking of lands otherwise than by agreement and to the entry upon land by the promoters of the undertaking are incorporated with this Order.

Power to take lands by agreement.

3. For the purposes of the works authorised by this Order the Commissioners may from time to time by agreement enter on take and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the works authorised by this Order and of the conveniences connected therewith.

Lands for extraordinary purposes.

4. The Commissioners may in addition to the lands vested in or authorised to be taken by them under this Order by agreement purchase and hold for extraordinary purposes any land not exceeding in the whole two acres but nothing in this Order contained shall exempt the Commissioners from any proceeding on account of any nuisance caused or permitted by them on any land acquired by them under this Order.

Power to execute works.

5. Subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade require from time to time before the completion of the works in order to prevent injury to navigation the Commissioners may in the lines and situations and according to the levels and within the limits of deviation shown on those plans and sections construct execute and maintain the works authorised by this Order.

Description of works authorised.

6. The works authorised by this Order comprise the following :—

(1.) A pier or gangway partly solid and partly open commencing on the line of the sea wall ex adverso of the Castle House grounds at a point eighty-two yards or thereby measured in a northerly direction from the wall at the south-east corner of the said grounds and terminating in the Firth of Clyde at a point ninety-three yards or thereby measured in an easterly direction from the point of commencement just described along a line parallel with the gangway of the existing Dunoon Pier;

(2.) A pier or gangway partly solid and partly open commencing on the line of the sea wall ex adverso of the Castle House and Dunoon Castle

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Dunoon.

grounds at a point twenty-eight yards or thereby measured in a south-easterly direction from the wall at the south-east corner of the Castle House grounds and terminating in the Firth of Clyde at a point seventy-nine yards or thereby measured in an easterly direction from the point of commencement just described along a line parallel with the gangway of the existing Dunoon Pier;

(3.) A pier head or wharf in the Firth of Clyde of open piling commencing at a point thirty-four yards or thereby measured in a southerly direction from the south-east corner of the pier head of the existing Dunoon Pier and terminating at a point one hundred and sixty-seven yards or thereby measured in a southerly direction from the point of commencement just described;

(4.) A sea wall of solid work commencing on the line of the existing sea wall ex adverso of the Castle House and Dunoon Castle grounds at a point ninety-seven yards or thereby measured in a northerly direction from the wall at the south-east corner of the Castle House grounds and terminating by a junction with the said existing sea wall at a point fifty yards or thereby measured in a southerly direction from the said wall at the south-east corner of the Castle House grounds.

which piers or gangways and pier head or wharf and sea wall and all necessary works will be situate within the burgh of Dunoon parish of Dunoon or united parish of Dunoon and Kilmun and county of Argyll and on the foreshore and in the bed of the Firth of Clyde ex adverso of the said parish or united parish and county.

Consent of Hafton Trustees.

7. No portion of the works authorised by this Order numbered (1) and (3) in the preceding section shall be commenced within one hundred and twenty yards of any part of the existing pier now claimed to be vested in the trustees of the late William Frederick Hunter of Hafton without the consent of such trustees or other the owner or owners for the time being of such pier to be signified as required by the fourteenth section of the General Pier and Harbour Act 1861.

Powers to deviate.

8. The Commissioners in constructing the works authorised by this Order may deviate vertically to any extent not exceeding ten feet and laterally to any extent within the limits of deviation shown on the deposited plans which may be approved in writing by the Board of Trade.

Penalty for obstructing works.

9. Every person who wilfully obstructs any person acting under the authority of the Commissioners in setting out the lines of the works by this Order authorised or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the works or defaces or destroys the works or any part thereof shall be guilty of an offence and shall for every such offence be liable to a penalty not exceeding five pounds.

Improvement and maintenance of pier and works &c.

10. Subject to the provisions of this Order the Commissioners may from time to time construct maintain alter and improve the works authorised by this Order and in connexion therewith may construct erect maintain alter and improve any jetties landing places landing stages wharves waiting rooms sheds toll houses gates embankments sewers drains watercourses roads and approaches and may lay down rails and tramways on or along the said piers and works and they

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may from time to time dredge and excavate rocks banks sand mud and shingle and deepen the beach or bed of the Firth of Clyde or sea at or near the said piers and other works or the approaches thereto and they may make and maintain buoys moorings lights beacons and other works and conveniences Provided that no line of tramway constructed under the powers of this Order shall be used for the public conveyance of passengers unless and until the same shall have been inspected and certified by the Board of Trade to be fit for such traffic.

Power to construct warehouses.

11. The Commissioners may also construct and maintain all warehouses offices sheds weighing machines cranes and other works buildings erections and conveniences which may be found necessary in connexion with the piers and works for the accommodation of vessels and traffic landed at or embarked from the same.

Power to cross and interfere with or reclaim foreshore road &c.

12. The Commissioners may where the construction of the works or any of them authorised by this Order renders it necessary cross stop up alter or divert temporarily or permanently or reclaim or otherwise interfere with the foreshore roads passages watercourses sewers or other works but making compensation for any damage which may be done in the execution of the powers hereby conferred.

As to material dredged.

13. All sand mud and materials dredged up or removed within the limits of this Order shall be the property of the Commissioners who may from time to time sell or otherwise dispose of the same or remove or deposit the same within those limits Provided that no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

Purchase &c. of existing pier &c.

14. The Commissioners may purchase and acquire by agreement the existing pier at Dunoon together with the offices buildings and pertinents connected therewith and all rights powers authorities and privileges claimed to belong to the trustees of the late William Frederick Hunter of Hafton or the Commissioners may lease the same from the owners thereof and such owners are hereby authorised to sell or lease the same to the Commissioners on such terms and conditions as may be agreed.

Consent of Board of Trade to certain works.

15. Any works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade having been first obtained and shall be executed only in manner approved by the Board of Trade.

Local survey may be ordered by the Board of Trade.

16. The Board of Trade may at any time and from time to time as they may deem it expedient order a local survey and examination to be made of any works executed under the powers of this Order in over or affecting any tidal water or of the intended site of any works and the Commissioners shall defray all the costs of each such survey and examination and the amount of such costs shall constitute a debt due from the Commissioners to the Crown and may be recovered accordingly.

Power to Commissioners to purchase or hire dredgers &c.

17. The Commissioners may for the purposes of the works authorised by this Order or any of them from time to time provide purchase lease or hire such steam or other dredgers engines tugs lighters or other vessels diving bells ballast lighters rubbish lighters tools plant or other materials and machinery as they think fit and may from time to time demand and receive such sums for

the use of the same as they may think fit or may sell or dispose of the same and the money thereby realised shall be applied towards carrying into effect the purposes of this Order or some of them.

Limits of Order.

18. The limits within which the Commissioners shall have authority and within which the powers of the pier master may be exercised and which shall be deemed the limits to which this Order and the power to levy rates and charges extend shall comprise the piers pier head and other works authorised by this Order and the roads accesses and conveniences connected therewith and also the area below high-water within a distance of twenty yards northward and eastward and within a distance of one hundred and twenty yards southward of any part of the piers or pierhead constructed under this Order which limits are in this Order termed "the limits of this Order."

Power to levy rates.

19. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given the Commissioners may subject and according to the provisions of this Order for the use of the piers pier head and works and conveniences authorised by this Order demand recover and receive in respect of all vessels boats persons goods animals fish and things in the schedule to this Order specified any sums not exceeding the several rates and charges in that schedule mentioned.

Rates may be levied though works not completed.

20. When and so soon as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade and paid by the Commissioners that the works authorised by this Order have been so far completed as to afford accommodation for the landing and embarking of passengers or for traffic by means of such works the Commissioners may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by the Order shall not then have been completed demand receive and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as shall in the opinion of the Board of Trade be commensurate to the accommodation afforded.

Rates for use of warehouses.

21. The Commissioners may demand levy and receive such rates or other consideration as they may think reasonable for the use of any warehouses offices sheds buildings weighing machines cranes works and conveniences belonging to the Commissioners used in connexion with the said piers and works for the use of which rates are not specifically fixed in the schedule to this Order.

Piermaster may prevent sailing of vessels.

22. The pier master may prevent the removal or sailing from the piers and works of any vessel or boat in respect of which any rates dues or charges shall have been payable until evidence shall have been produced to him of the payment of such rates dues or charges to the collector.

Pass tickets for use of piers.

23. The Commissioners may grant to passengers and others pass tickets for the use of the piers and works at such rates on such terms and for such periods not exceeding one year as may be agreed upon but so that no preference be given to any person A pass ticket shall not be transferable nor be used by any person except the person to or for whom it is granted nor by any person after the period limited for its use If any person acts in any way in contravention of this provision or uses or attempts to use any false or counterfeit pass ticket he shall for every such offence be liable to a penalty not exceeding twenty shillings

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which shall be payable to the Commissioners and be recovered as penalties are recoverable under the Harbours Docks and Piers Clauses Act 1847 and shall be applied to such purposes as the other pier revenues are applicable for all the purposes of which Act this Order shall be deemed the Special Act.

Power to enter into compositions.

24. The Commissioners may from time to time confer vary or extinguish exemptions from and enter into compositions with any person or persons corporation or company with respect to the payment of any tolls rates and charges authorised to be taken by this Order but so that no preference be in any case given to any person and that anything done under this section shall not prejudice the other provisions of this Order.

Revision of rates.

25. The Commissioners shall from time to time revise the rates and charges receivable by them under this Order so that the income of the Commissioners under this Order may always be so far as practicable sufficient and not more than sufficient for the purposes of this Order and if at any time and from time to time the clear annual income received by them under this Order on the average of the then three last preceding years after payment of all expenses and outgoings shall exceed the amount sufficient to answer the purposes of this Order the Board of Trade may if in their discretion they think fit reduce such rates and duties to such sums as will be sufficient to provide the amount aforesaid with power to the Board of Trade at any time from time to time to raise them again to not exceeding the sums specified in the schedule to this Order.

Power to sell or lease undertaking.

26. The Commissioners may from time to time lease the rates tolls and charges authorised to be taken by them under this Order for any period not exceeding seven years from the date of the lease on such terms and conditions and for such rent or consideration as they may think fit and may also with the consent in writing of the Board of Trade first obtained sell their undertaking and the lessee or purchaser as the case may be shall have and may exercise the same powers of levying and recovering rates and charges as the Commissioners have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to all the provisions as to accounts and the keeping and furnishing of the same and otherwise to which the Commissioners are made subject by this Order.

Annual account to be sent to the Board of Trade.

27. The Commissioners within one month after sending to the sheriff clerk the copy of their annual account in abstract (which account shall be made up to the end of the day on the fifteenth day of May in each year) shall send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act (1861) Amendment Act shall apply to and include any and every such account If the Commissioners refuse or neglect to comply with this provision they shall for every such refusal and neglect be liable to a penalty not exceeding twenty pounds.

Works &c. to be part of burgh property.

28. The piers and other works authorised by this Order and land connected therewith shall subject to the provisions of this Order vest in and be held by the Commissioners as part of the burgh property and all expenses of and incidental to the piers and works and all charges on the pier income which that income may be insufficient to defray shall be discharged out of the rates and assessments or some part or parts of the same as the Commissioners may think fit levied by the Commissioners within the burgh or which they are authorised to levy therein

as though they were expenses properly incurred by the Commissioners under the Burgh Police (Scotland) Act 1892 or under any Act in force within the burgh for the time.

Certain fishing vessels under stress of weather exempt from rates.

29. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties or port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the piers or the works belonging thereto and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Exemption of certain officers from rates.

30. The Secretary for Scotland or any person or persons deputed by him and officers of the Board of Trade and of the Fishery Board for Scotland being in the execution of their duty shall at all times have free ingress passage and egress on into along through up to and out of the piers and works by land and with their vessels and otherwise without payment.

Exemption of lifeboat crews.

31. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and from the piers and works without payment.

Apparatus for saving life may be attached to piers.

32. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily and from time to time without payment attach or cause to be attached to any part of the piers spars and other apparatus for saving life and may also either in course of using or exercising the apparatus for saving life fire rockets over the piers and works.

Power to borrow money.

33. The Commissioners may from time to time borrow and re-borrow on mortgage bond or otherwise at interest such money as may be required for carrying into effect the purposes of this Order not exceeding in the whole the sum of forty thousand pounds and may in security of the money so borrowed and interest thereon make and grant mortgages bonds or other securities of the rates and charges authorised by this Order and the other revenue of the piers and on the rates and assessments leviable within the burgh of Dunoon by the Commissioners under the Burgh Police (Scotland) Act 1892 and Acts amending the same so far as in force within the burgh and any money so to be borrowed may be borrowed on terms of repayment thereof by way of instalment or otherwise or the Commissioners may accept and take from any bank or banking company credit to such amount as they may deem expedient not exceeding in the whole taken together with any sums borrowed and remaining unpaid the sum of forty thousand pounds on a cash account to be opened and kept in name of the Commissioners according to the usage of bankers in Scotland and may assign the rates and charges and rates and assessments herein-before mentioned or any part of the same in security for the repayment of the sum or sums so borrowed or of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon and any money borrowed under the provisions of this Order which shall be discharged otherwise than by means of the sinking fund or instalments may be re-borrowed from time to time if required for the purposes of this

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Order and the provisions of the Burgh Police (Scotland) Act 1892 as to the borrowing of money for the general purposes of that Act shall in so far as applicable and not inconsistent with the provisions of this Order be incorporated with this Order and shall so far as aforesaid apply to the borrowing by the Commissioners of the money which they are by this Order authorised to borrow and the mortgages or bonds to be granted by the Commissioners for the purposes of this Order shall refer to the title of this Order Provided always that in the event of repayment of money borrowed being made by way of instalment the annual amount of such instalment shall be sufficient to pay off the whole of such money so borrowed within fifty years.

Sinking fund.

34. The Commissioners shall in the event of their borrowing otherwise than by way of repayment by instalments within fifty years appropriate and set apart in every year out of the revenues to be derived from the piers and undertaking authorised by this Order and in the event of the same being insufficient at any time then out of the rates and assessments leviable by the Commissioners within the burgh under the said Burgh Police (Scotland) Act 1892 such a sum as will with the accumulations thereof by way of compound interest be sufficient to pay off the whole of the principal moneys borrowed under this Order within fifty years after the same are respectively borrowed.

Application of money borrowed.

35. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by this Order to which capital is properly applicable and not otherwise.

For appointment of a judicial factor.

36. The mortgagees of the Commissioners may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor.

In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than one thousand pounds in the whole.

Sections eighty-six and eighty-seven of the Commissioners Clauses Act 1847 shall be and the same are hereby incorporated with this Order and in those sections as so incorporated the expression receiver shall mean judicial factor.

Contingency fund.

37. The Commissioners may yearly if they think fit for the purpose of forming and maintaining a contingency fund not exceeding the sum of five thousand pounds to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the piers and other works set apart the surplus revenue of the harbour (if any) after meeting the ordinary expenditure and interest and sinking fund or instalments of money borrowed and other charges as by this Order provided and shall deposit the sum set apart in some joint stock bank of issue in Scotland to be increased by accumulation in the way of compound interest or otherwise or invested in statutory securities in which trustees are authorised to invest money other than securities of the Commissioners until required for any of the aforesaid purposes and to be applied as required for the maintenance and improvement of the piers and works.

Annual return to Board of Trade with respect to sinking fund.

38. The clerk to the Commissioners shall within two months after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Order transmit to the Board of Trade a return in such form as

may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been invested or deposited for the purpose of the sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested or deposited and also showing the purpose to which any portions of the moneys invested or deposited for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested or deposited at the end of the year and in the event of any wilful default in making such return such clerk shall be liable in a penalty not exceeding twenty pounds If it appear to the Board of Trade by such return or otherwise that the Commissioners have failed to set apart in accordance with the provisions of this Order the sum required by this Order for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Order the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or deposited as part of the sinking fund and such order shall be enforceable by decree of either Division of the Inner House of the Court of Session in Scotland in a summary application presented for that purpose.

Protection of lenders.

39. Any person lending or paying money to the Commissioners or their treasurer under this Order shall not be bound to inquire as to the observance by them of any provisions of this Order or be bound to see to the application or be answerable for any loss or non-application of such money or of any part thereof.

Application of rates and income.

40. The Commissioners shall apply all the rates and charges received under this Order for the purposes and in the order following and not otherwise (that is to say):—

(1.) In paying the costs charges and expenses of and incident to the preparing obtaining and confirming this Order or otherwise incurred in relation thereto so far as the same may not be paid out of money borrowed under this Order;

(2.) In paying the expenses of the maintenance and repair of the piers and other works and buildings and conveniences connected therewith and the management and regulation of the same and in defraying the other expenses of the Commissioners properly incurred in relation to the undertaking authorised by this Order including the cost of borrowing money;

(3.) In paying year by year the interest on money borrowed under this Order;

(4.) In payment of principal money borrowed or instalments thereof or in creating a sinking fund for the purpose of discharging money borrowed in the manner and so far as the nature and circumstances of the case will admit in the proportion directed by this Order;

(5.) In repayment to the proper account of the Commissioners of any money advanced or paid out of the rates and assessments levied within the burgh of Dunoon for the purposes and under the powers of this Order;

(6.) In forming and maintaining a contingency fund if the Commissioners think fit not exceeding the sum of five thousand pounds for extraordinary claims or demands accidents or extraordinary damage to the piers and works;

(7.) In paying the cost of the works authorised by this Order ;

(8.) In the general improvement of the piers and other works and conveniences connected therewith.

Separate accounts to be kept.

41. The Commissioners shall keep separate accounts of the moneys received and expended by them under this Order.

Byelaws.

42. The Commissioners may make byelaws for the regulation and control of vessels and boats within the limits of this Order and for the regulation and control of persons and goods and traffic on and at the piers and works but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade which shall be sufficient for all purposes.

Part of Harbours &c. Act 1847 excepted.

43. Sections sixteen to nineteen of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Commissioners shall at their own expense when required by the Board of Trade provide to the satisfaction of the Board of Trade a site near the pier and build on such site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus and shall be liable to a penalty not exceeding ten pounds for every month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Partial incorporation of Harbours and Passing Tolls Act.

44. Part V. of the Harbours and Passing Tolls &c. Act 1861 shall be incorporated with this Order.

Commissioners to be local authority.

45. Within the limits of this Order the Commissioners shall be a local authority within the meaning of the Merchant Shipping Act 1894 and shall have all the powers conferred by that Act on local authorities.

Appointment of piermaster meters and weighers.

46. The Commissioners shall have the appointment of piermaster meters and weighers within the limits of this Order.

Lifebuoy to be kept.

47. The Undertakers shall at all times keep at the outer extremity of the pier a life buoy and line in good order and fit and ready for use.

Vessels not to anchor within certain limits.

48. No vessel or boat shall anchor within the limits of this Order without the consent of the Commissioners or their piermaster.

Vessels not to moor alongside piers without consent.

49. No vessel or boat except steamboats or pleasure boats embarking or disembarking passengers and their luggage shall be moored alongside the piers or pier head or other works without the consent of the Commissioners or their pier master.

Restriction on use of piers.

50. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the piers pier head or other works any sheep cattle or merchandise or to ship or unship anything which in the judgment of the Commissioners might in any manner interfere with the use of the pier for the embarking or landing of passengers.

Piers to be deemed within the burgh of Dunoon.

51. The piers and works shall in respect of all matters crimes or offences arising or committed thereon or within the limits of this Order requiring the cognizance of any magistrate or justice of the peace be deemed and taken to be within or as forming part of the burgh of Dunoon.

As to lights during the construction of works.

52. Before commencing the works authorised by this Order, the Commissioners shall apply to the Board of Trade for directions as to the lights to be

exhibited and shall in all respects obey any direction given upon such application or afterwards from time to time given as to lights by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works and the Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction so given.

As to lights after completion of works.

53. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Commissioners shall at the outer extremity of the piers and works or the completed portions thereof or in such other place or places as may be required exhibit for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such light or lights (if any) as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to lighting and the Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any such directions.

Provision against danger to navigation.

54. In case of injury to or destruction or decay of the authorised works or any part thereof the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing as far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to the means to be taken and the Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to observe any such directions.

Power to cease in certain events.

55.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced the powers by this Order given for executing such works or otherwise in relation thereto shall cease unless the time for commencement be extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order after having been substantially commenced should be virtually suspended for twelve consecutive months the powers by this Order given for executing such works or otherwise in relation thereto shall cease except as to so much of such works as shall be then completed unless such powers shall by the special direction of the Board of Trade be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the authorised works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

Saving rights under Crown Lands Act 1866.

56. This Order shall not be taken as a consent to the surrender of any rights interests powers authorities or privileges transferred to the management of the Board of Trade by the Crown Lands Act 1866 nor shall any works under this Order be commenced within limits affected by any such rights interests powers authorities or privileges without the consent of the Board of Trade having been first obtained.

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Saving rights of Crown under Crown Lands Act.

57. Nothing contained in this Order or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Compensation for injury to Crown right of salmon fishing.

58.—(1.) The Commissioners shall not construct any work on any land over which a right of salmon fishing belongs to Her Majesty without the previous consent in writing of the Commissioners or Commissioner for the time being of Her Majesty's Woods Forests and Land Revenues having the management of the Land Revenue of the Crown in Scotland and such consent may be given on payment of such compensation as may be agreed upon for any injury which the works by this Order authorised may be reasonably expected to occasion to any such right of salmon fishing as in this section mentioned and in case the amount of such compensation as aforesaid shall not be agreed upon the same shall be settled by two referees one being appointed by the Commissioners or Commissioner of Woods Forests and Land Revenues and the other being appointed by the Commissioners or by an umpire to be appointed by the referees.

(2.) The Commissioners shall make compensation for the damage or injury (if any) which may be sustained to Her Majesty or Her tenants in respect of any right of salmon fishing through the exercise of the powers of this Order although the works causing such injury or damage may be constructed elsewhere than on any land over which a right of salmon fishing belongs to Her Majesty and the amount of such compensation shall be ascertained in like manner.

Saving rights of Clyde Pilot Board and Bailie of the Clyde.

59. Nothing in this Order contained shall extend or be construed to extend to repeal abridge or in any way prejudice or diminish any of the rights powers jurisdiction or privileges conferred on and enjoyed by the Clyde Pilot Board or the bailie of the river and Firth of Clyde under the Clyde Navigation Consolidation Act 1858 or the Clyde Navigation Act 1887 all of which rights powers jurisdiction and privileges are hereby saved and reserved entire.

Costs of Order.

60. All costs charges and expenses of and incident to the preparation and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Commissioners out of money borrowed for the purposes of the Order or out of the rates leviable under the Order or out of the burgh rates and assessments.

Short title.

61. This Order may be cited as the Dunoon Burgh Pier Order 1895.

SCHEDULE to which the foregoing Order refers.

I.—Rates on Passengers using the Piers and Landing Places.

	£	s.	d.
For every passenger or other person who shall land on the piers or pier-head or embark therefrom on board of any ship vessel packet or passage boat or steamer for each and every time any sum not exceeding - - - - - - - -	0	0	2

	£	s.	d.
All persons using the piers and not going on board of a ship vessel packet or passenger boat or steamer for each and every time any sum not exceeding - - - - - - - -	0	0	2
Children under twelve years of age in charge of parent guardian or servant or servants going for or with luggage free but the luggage to be paid for.			

II.—Rates on Passengers' Luggage &c.

For every trunk portmanteau box parcel or package within the description of luggage and not carried by the passenger not exceeding 28 lbs. - - - - - - - -	0	0	1
For every trunk portmanteau box parcel or package within the description of luggage over 28 lbs. nd not exceeding 112 lbs. -	0	0	2
Over 112 lbs. and not exceeding 2 cwt. - - - -	0	0	4
And for every cwt. beyond - - - - -	0	0	2
For every bicycle tricycle or other such machine any sum not exceeding - - - - - - - -	0	0	2
For every perambulator bath or sedan chair taken on the pier including the person in charge for each and every time any sum not exceeding - - - - - -	0	0	1

III.—Rates on Vessels using the Piers or Landing Places.

For every steamer using the piers or pierhead for discharging or shipping passengers or goods - - - - per ton register	0	0	2
For every other vessel decked or undecked using the piers or landing places for discharging or shipping goods - - per ton register	0	0	2
But if the vessels of the owner or owners of any steam or other vessels engaged in a regular trade with the piers shall collectively make in any one year from January to December inclusive fifty or more voyages to or from the piers one-half of the above rates shall be leviable on each of such steam or other vessels in respect of such year.			

IV.—Rates on Goods &c.

Articles of Export and Import.

Ale beer and porter - - - - - per 54 gallons	0	0	6
Ditto - - - - - - - per 9 gallons	0	0	1
Ditto (bottled in quart bottles) - - - per dozen	0	0	2
Ditto (bottled in pint bottles) - - - - per dozen	0	0	1
Alkali - - - - - per ton	0	0	8
Anchors - - - - - - - per cwt.	0	0	9
Ashes of all kinds - - - - per ton	0	1	0
Asphalt - - - - - - - per ton	0	0	6
Bark - - - - - per ton	0	2	0
Barley pot shelled or pearl (see Corn) - - - per ton	0	1	8
Bedding - - - - - per cwt.	0	0	3

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	£	s.	d.
Beef or pork - - - - - - per cwt.	0	0	3
Biscuit or bread - - - - - - per cwt.	0	0	3
Bicycles or tricycles - - - - each	0	0	2
Bones and bone-dust - - - - per ton	0	1	0
Bottles - - - - - - per gross	0	0	6
„ broken - - - - - per ton	0	0	6
Bran - - - - - - per ton	0	1	8
Bricks - - - - - per 1000	0	1	0
Butter - - - - - - - per cwt.	0	0	3
Cables iron or hempen - - - - per ton	0	3	0
Candles - - - - - - per cwt.	0	0	2
Canvas - - - - - per 56 lbs.	0	0	1
Carrots - - - - - - per ton	0	0	6
Casks and barrels empty not being returned packages - each	0	0	1
Carriages—			
Chaises and other four-wheeled carriages - each	0	5	0
Gigs and other two-wheeled carriages - each	0	2	6
Carts - - - - - - each	0	1	0
Hand carts and perambulators - - each	0	0	2
Cattle—			
Bulls cows and oxen - - - - each	0	1	0
Calves - - - - - each	0	0	3
Small cattle - - - - - each	0	0	6
Horses asses and mules - - - each	0	1	0
Ponies under 12 hands - - - - each	0	0	6
Sheep - - - - each	0	0	0½
Lambs - - - - - - each	0	0	0½
Pigs - - - - - each	0	0	3
Cement - - - - - - per cwt.	0	0	1
Cheese - - - - - - per cwt.	0	0	2
Chimney cans - - - - each	0	0	1
Cinders and charcoal - - - - per ton	0	0	6
Clay - - - - - - per ton	0	0	6
Cloth haberdashery &c. - - - per cwt.	0	0	2
Coals - - - - - - per ton	0	0	6
Copper - - - - - - per ton	0	2	0
Cordage - - - - - per ton	0	2	0
Cork - - - - - - - per cwt.	0	0	2
Corn viz. wheat barley oats malt rye Indian corn beans and pease - - - - per cwt.	0	0	2
Crabs - - - - - - per dozen	0	0	1
Crystal - - - - - per cwt.	0	0	6
Cutch - - - - - - per ton	0	3	4
Dogs - - - - - each	0	0	6
Drugs (in casks hampers or boxes) - - - per cwt.	0	0	4
Earthenware or chinaware (in casks hampers or boxes) - per cwt.	0	0	2
„ „ (in crates) - - - per cwt.	0	0	2
Eggs - - - - - - - per cwt.	0	0	3
Felt - - - - - - - per ton	0	2	6

		£	s.	d.
	Fish (dried and salted) - - - - per cwt.	0	0	2
	Fish (fresh) in bulk - - - - - per cwt.	0	0	1½
	Boxes of not more than 2 cwt. - - - each	0	0	3
5	Boxes containing not more than 1 cwt. - - - each	0	0	1½
	Flax - - - - - - per ton	0	2	6
	Flour - - - - - - per cwt.	0	0	2
	Fruit - - - - - - per cwt.	0	0	2
	Furniture (household) - - - - - per cwt.	0	0	2
10	Game of all kinds - - - - per cwt.	0	2	0
	Glass of all descriptions - - - - - per cwt.	0	0	2
	Groceries—viz. tea coffee confections dried fruits spices rice tobacco snuff &c. - - - - - per cwt.	0	0	4
	Guano - - - - - - per ton	0	1	0
15	Gunpowder - - - - - per 100 lbs.	0	0	3
	Hams bacon or tongues - - - - per cwt.	0	0	4
	Hardware - - - - - - - per ton	0	1	6
	Hay and straw - - - - - per ton	0	1	0
	Hemp - - - - - - - per ton	0	3	0
20	Herrings (fresh) - - - - per 37½ gallons	0	0	2
	„ (cured) - - - - - per 26⅔ gallons	0	0	2
	Hides—ox cow or horse (wet or dry) - - - each	0	0	2
	Hoops of wood - - - - - per 1,500	0	1	0
	Hoops of iron - - - - - per cwt.	0	0	2
25	Husbandry implements of - - - - per cwt.	0	0	2
	Iron—bar bolt and rod plate sheet and forged iron gates stoves nails and other ironmongery and rails - - per cwt.	0	0	1
	Iron old - - - - - - per cwt.	0	0	0½
	Iron pig and unmanufactured - - - - per ton	0	1	0
30	Kelp - - - - - - - per cwt.	0	0	1
	Lard - - - - - - - per cwt.	0	0	2
	Lead - - - - - - - per cwt.	0	0	2
	Leather tanned and dressed - - - - per cwt.	0	0	2
	Lime - - - - - - - per ton	0	0	6
35	Limestone - - - - - - per ton	0	0	6
	Lobsters - - - - - - per dozen	0	0	1
	Machinery of all kinds - - - - - per cwt.	0	0	1
	Manure not enumerated - - - - - per ton	0	1	0
	Masts and spars 10 inches in diameter and upwards - - each	0	1	6
40	Meal - - - - - - - per cwt.	0	0	2
	Meat (fresh) - - - - - - - per cwt.	0	0	2
	Milk - - - - - - per gallon	0	0	0½
	Musical instruments - - - - per cubic foot	0	0	1
	Oakum - - - - - - - per cwt.	0	0	2
45	Oils - - - - - - - - per ton	0	1	6
	Oil cake - - - - - - - per ton	0	1	0
	Oranges and lemons - - - - - per cwt.	0	0	3
	Oysters - - - - - - - per cwt.	0	0	4
	Paint - - - - - - - - per cwt.	0	0	3

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	£	s.	d.
Pipes drain under 3 inches diameter - - - per ton	0	0	6
„ „ above „ „ - - - per ton	0	0	6
„ „ collars - - - - per ton	0	0	6
„ glazed clay - - - - - - per ton	0	1	0
Pitch - - - - - - per cwt.	0	0	2
Potatoes - - - - - - - per ton	0	0	6
Poultry - - - - - - each	0	0	1
Rabbits - - - - - - per dozen	0	0	4
Rags and old rope - - - - per ton	0	2	0
Ropes of all kinds - - - - - - per ton	0	2	0
Rosin - - - - - - - per ton	0	2	6
Sails - - - - - - - per cwt.	0	0	6
Salmon - - - - - - per cwt.	0	0	6
Salt - - - - - - - per ton	0	0	6
Saltpetre - - - - - per ton	0	3	0
Sand - - - - - - - per ton	0	0	6
Seeds - - - - - per quarter	0	0	3
Sheep skins with wool - - - - - per cwt.	0	0	3
Shell fish other than specified - - - per cwt.	0	0	2
Slates - - - - - - - per ton	0	0	6
Spirits - - - - - per 54 gallons	0	1	0
„ - - - - - - - per gallon	0	0	0½
Stones—			
„ rubble - - - - - per ton	0	0	2
„ hewn ashlar - - - - - per ton	0	0	6
„ rough „ - - - - - per ton	0	0	4
„ large „ - - - - - per ton	0	0	4
„ pavement - - - - - per ton	0	0	4
„ curb - - - - - - per ton	0	0	4
„ paving and causeway stones - - - per ton	0	0	2
„ grindstones - - - - - - each	0	0	4
„ millstones - - - - - each	0	1	6
„ limestone - - - - - - per ton	0	0	4
„ gravestones - - - - - each	0	2	0
Sugar of all kinds - - - - - - per ton	0	1	0
Tallow soap and candles - - - - per cwt.	0	0	2
Tar - - - - - - - - per cwt.	0	0	1
Tares - - - - - - per 100 lbs.	0	0	0½
Tiles roofing - - - - - - per 1000	0	1	6
Tin - - - - - - - per ton	0	1	6
Tow - - - - - - - - per cwt.	0	0	2
Turnips - - - - - - per ton	0	0	6
Turpentine - - - - - - per cwt.	0	0	1
Varnish - - - - - - per cwt.	0	0	1
Vegetables not enumerated - - - - - per cwt.	0	0	2
Vinegar - - - - - - per 9 gallons	0	0	1
Vitriol - - - - - - - per cwt.	0	0	1
Wheels coach or cart - - - - - per pair	0	0	9
Wine - - - - - - - - per 54 gallons	0	1	0

	£	s.	d.
Wine bottled - - - - - per dozen quarts	0	0	2
" " - - - - - per dozen pints	0	0	1
Wood viz.—			
Fir beach oak ash elm and other hard woods rough and round or in plank or sided - - - - per 40 cubic feet	0	1	0
Doors windows and other framed or manufactured wood for building purposes - - - per 40 cubic feet	0	2	0
Wool - - - - - - - per cwt.	0	0	4
Yarn - - - - - - per cwt.	0	0	2
Zinc - - - - - - - per ton	0	1	6
All other goods not enumerated above—			
Light goods - - - - - per cubic foot	0	0	1
Heavy goods - - - - - per ton	0	2	0

In charging the rates on goods the gross weight or measurement of all goods including the packages to be taken and for any less weights measures and quantities than those above specified a proportion of the respective rates shall be charged and the minimum charge for a single packet shall be one penny.

Empty boxes casks and packages returned to the original shipper after importation or exportation with goods are exempted from dues.

V.—Rates for use of Cranes Weighing Machines and Sheds.

1.—*Rates on Cranage.*

All goods or packages not exceeding one ton - - -	0	0	4
Exceeding one ton and not exceeding two tons - -	0	0	6
Exceeding two tons and not exceeding three tons - -	0	0	8
Exceeding three tons and not exceeding four tons - -	0	0	10
Exceeding four tons and not exceeding five tons - -	0	1	0
Exceeding five tons and not exceeding six tons - -	0	1	2
Exceeding six tons and not exceeding seven tons - -	0	1	4
Exceeding seven tons and not exceeding eight tons - -	0	1	6
Exceeding eight tons and not exceeding nine tons - -	0	1	10
Exceeding nine tons and not exceeding ten tons - -	0	2	4
Exceeding ten tons - - - - -	0	3	6

2.—*Weighing Machines.*

For goods weighed for each ton or part of a ton - -	0	0	2

3.—*Shed Dues.*

For each 40 cubic feet of goods or for each ton of goods which shall remain in any shed or on the pier for a longer time than six hours the sum of 4*d.* and the sum of 2*d.* for each 40 cubic feet or per ton for each six hours during which such goods shall remain after the first six hours.

For any portmanteau trunk parcel or other article of passenger's luggage for each day or part of a day - - per package	0	0	2

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SWANAGE.

Order for the extension of the Pier at Swanage in the County of Dorset.

Short title.

1. This Order may be cited as the Swanage Pier Order 1895 and this Order

Order to be read with Swanage Pier Act 1859.

and the Swanage Pier Act 1859 (in this Order referred to as "The Act of 1859") so far as the same is not repealed or varied by this Order shall be read and construed together as one Act or Order.

Undertakers.

2. The Swanage Pier Company (in this Order called "the Company") shall be the Undertakers for carrying the Act of 1859 and this Order into execution and shall have and may exercise the powers and privileges conferred by the Act of 1859 and this Order.

Limits of Order.

3. The limits within which the Company shall have authority and which shall be deemed the limits to which the Act of 1859 and this Order except the power to levy rates extend shall comprise the existing pier tramway and works authorised by the Act of 1859 and the pier and works by this Order authorised and the areas coloured green and pink shown upon a plan prepared in triplicate and sealed with the common seal of the Company one of which plans has been deposited with the Harbour Department of the Board of Trade a second with the Swanage Urban District Council and the third is retained by the Company.

Incorporation of parts of Acts.

4. The Lands Clauses Acts except so much thereof as relates to the purchase or taking of lands otherwise than by agreement and to the entry on land by the promoters of the Undertaking the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 and Parts I. II. and III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock so far as they are applicable for the purposes of and not varied by this Order are incorporated with this Order For the purposes of such incorporation the term "special Act" in the said Acts shall be construed to mean the Act of 1859 or this Order as circumstances may require and the provisions of Part II. of the Companies Clauses Act 1863 shall for the purposes of this Order be read and have effect as if the sum which the Company are by this Order authorised to raise by preference shares or preference stock were the additional sum which by this Order the Company were authorised to raise by the issue of new preference shares or new preference stock.

Power to acquire lands by agreement.

5. For the purposes of the works authorised by this Order the Company may from time to time by agreement enter on take and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the works authorised by this Order.

Power to execute works.

6. Subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited as the Board of Trade require from time to time before the completion of the works in order to prevent injury to navigation the Company may in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon) and within the limits of deviation shown on those plans construct and maintain the works authorised by this Order.

Description of works authorised.

7. The works authorised by this Order comprise the following :—

A pier or landing-place in connexion with or addition to and in extension of the existing pier for the embarking and landing of passengers cattle goods and merchandise and for other purposes to be situate in or adjacent to the parish of Swanage in the county of Dorset and on the bed of the sea adjoining such parish and commencing at the termination of the stone portion of the present pier (*i.e.* at the point "A" on the said deposited plan) and proceeding in a north-easterly direction for a distance of three hundred and fifty feet or thereabouts and thence in an east north-easterly direction for a distance of two hundred and sixty feet or thereabouts :

The pier will be of open pile work.

Accommodation works.

8. The Company may erect construct provide and fix in connexion with their other works all proper or necessary landing-stages landing and shipping places sheds toll-houses toll-gates turnstiles cranes lifts buoys moorings mooring-posts approaches and other buildings erections works conveniences and appliances which they may deem necessary or proper.

Power to deviate.

9. The Company in constructing the works authorised by this Order may with the consent in writing of the Board of Trade alter and deviate laterally from the lines of such works delineated on the deposited plan to any extent not exceeding the limits of deviation marked on that plan and vertically from the levels of such works as shown on the deposited sections to any extent not exceeding five feet.

Further powers as to buildings and other erections.

10. The Company may from time to time erect and construct upon the pier authorised by this Order saloons pavilions waiting refreshment concert reading and other rooms lavatories shops bazaars baths upper promenade and other conveniences and may make such reasonable charges for the use thereof or for admission thereto as they may from time to time think fit and they may furnish stock and equip such pavilions rooms and buildings and may let the same by the year or on lease for any term not exceeding seven years upon such terms and conditions as they think fit.

New works to be deemed to be part of Pier undertaking authorised by Act of 1859.

11. Subject to the provisions of this Order the works by this Order authorised shall for the purpose of collection of rates and for all other purposes be deemed to be part of the pier undertaking of the Company as if the same had been authorised by the Act of 1859.

Power to dredge scour &c. channel to piers.

12. The Company may dredge scour deepen improve and maintain the channel to the piers authorised by the Act of 1859 and this Order.

Consent of Board of Trade to works.

13. Any works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade first obtained and shall be executed only in manner approved by the Board of Trade.

Power to levy rates.

14. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary for the due construction of the works authorised by this Order have been given the Company may subject and according to the provisions of this Order levy demand recover and receive for the use of the pier and works to be constructed under this Order in respect of the vessels boats

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persons passengers and things in the schedule to this Order specified and in respect of the supply of water any sums not exceeding the tolls or rates specified in that schedule and in respect of animals merchandise and goods landed upon or shipped from and services performed at such pier and works any sums not exceeding the rates and charges by the Act of 1859 authorised to be taken in respect thereof at the existing pier and the payment of such rates or sums shall exempt any person passenger animal goods matters and things in respect of which such rates or sums have been duly paid from payment of any other rate or sum under the Act of 1859 for or on account of the user by such person passenger or animal or in respect of such goods matters or things of the portion of the existing pier lying between the point marked "A" on the deposited plan and the shore as a means of communication between the pier hereby authorised and the shore.

Tolls not to confer right to use new buildings.

15. The payment of tolls or rates and dues payable under the Act of 1859 or this Order for the use of the piers shall not entitle any person paying the same to the use of the buildings and erections thereon or any of them or any part or parts thereof unless the Company otherwise determine.

Power to demand rates &c. for use of any warehouse sheds buildings &c.

16. The Company may demand and receive such rates or other consideration as they think reasonable for the use of any warehouse sheds buildings yards and conveniences belonging to them and for which rates or charges are not otherwise specified or authorised in the Act of 1859 or this Order.

Power to lease tolls and rates.

17. The Company may from time to time lease the tolls and rates authorised by the Act of 1859 and this Order for any period not exceeding seven years for such rent or consideration and on such terms and conditions as they may think fit and the lessee shall have and may exercise during the continuance of his lease the same powers of demanding and recovering tolls and rates as the Company have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and the Act of 1859 and this Order.

Rates may be levied though works not completed.

18. When and so often as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade and paid by the Company that the works authorised by this Order have been so far completed as to afford accommodation for persons walking on the pier or for the landing and embarking or shipping of passengers animals or goods by means of such works the Company may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order shall not then have been completed demand receive and recover such of the tolls or rates or such proportion of the tolls or rates which they are by this Order authorised to demand and take for the use of the pier and works authorised by this Order as shall in the opinion of the Board of Trade be commensurate to the accommodation afforded.

Undertakers may grant pass tickets.

19. The Company may grant to passengers and promenaders or others pass tickets or family tickets for the use of the pier on such terms and for such periods not exceeding one year as may be agreed on or may issue books containing any number of tickets at a reduced rate but so that no preference be given to any person A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted and a family ticket shall not be used to admit to the pier any person not being one of the family

in respect of which it is granted and any such pass ticket or family ticket shall not be used by any person after the period limited for its use If any person act in any way in contravention of the provisions of this section or use or attempt to use any false or counterfeit ticket he shall for every such offence be liable to a penalty not exceeding twenty shillings to be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847.

Board of Trade may reduce rates.

20. If at any time and from time to time the clear annual income derived from the pier and works of the Company on the average of the then three last preceding years after payment of all expenses and outgoings other than payments for interest or principal in respect of money borrowed shall exceed interest at the rate of ten per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Company in executing the works authorised by this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under this Order or any of them to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten per centum per annum and the rates shall thereupon be reduced accordingly but with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the amount specified in the schedule to this Order.

Annual account to be sent to the Board of Trade.

21. The Company within one month after sending to the clerk of the peace a copy of their annual account in abstract (which account shall be made up at the end of the day on the twenty-fifth day of March in each year) shall send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account If the Company refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Certain fishing vessels under stress of weather exempt from rates.

22. Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the pier and works and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Board of Trade officers exempt from rates.

23. Officers of the Board of Trade being in the execution of their duty shall at all times have free ingress passage and egress to or along and from the pier and works by land and with their vessels and otherwise without payment.

Lifeboat crew exempt from tolls.

24. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and from the pier and works other than the said buildings and erections without payment.

Life-saving apparatus may be attached to the pier.

25. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily and from time to time without payment attach or cause to be attached to any part of the pier or works spars and other

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apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the works.

Parts of Harbours &c. Act 1847 excepted.

26. Sections 16 to 19 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order And so much of section 1 of the Act of 1859 as reserves the right of the Lord High Admiral or the Commissioners therein named to require the observance by the Company of the above sections is hereby repealed.

Penalty for obstructing or injuring property.

27. Every person who wilfully obstructs the Company or any person acting under their authority in any manner whatsoever or who removes any poles or stakes driven into the ground for the purpose of setting out the lines of any works or defaces destroys or injures any works or any property of the Company shall for every such offence be liable to a penalty not exceeding five pounds.

Restriction on mooring vessels to landing-stages.

28. No vessel or boat except steamboats and pleasure boats embarking and disembarking passengers and their luggage shall be allowed to be moored alongside any landing-stages belonging to the Company without the consent of the Company or their officer duly authorised in that behalf and no vessel or boat shall without the consent of the Company or pier master anchor within the limits of this Order.

Company to have the appointment of meters and weighers.

29. The Company shall have the appointment of meters and weighers on or in connexion with the existing pier and the pier and works authorised by this Order.

Part V. of the Harbours and Passing Tolls &c. Act 1861 to apply.

30. Part V. of the Harbours and Passing Tolls Act &c. 1861 shall apply to the piers and works authorised by the Act of 1859 and this Order.

Power to Company to prevent use of new pier for sheep cattle or merchandise.

31. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier authorised by this Order any sheep cattle or merchandise or anything which in the opinion of the Company might in any way interfere with the use of the pier for recreation or for the embarking or landing of passengers and their luggage.

Power to close pier on special occasions &c.

32. The Company may on any special occasion but not exceeding twelve days in any one year close the pier hereby authorised against the public and may on such occasions charge such special rates of admission not exceeding one shilling for each person as the Company may think fit Provided that on all such occasions the Company shall reserve a sufficient passage along the pier from the landing-stages to the shore for persons landing or embarking at the pier such reserved passage to be open for use by such persons at the ordinary rates and without payment of any special rates so long only as they use the pier as a passage and do not remain thereon.

Byelaws.

33. The byelaws of the Company in regard to the existing pier and works as at present in force or as they from time to time hereafter as amended shall be in force shall so far as the same are applicable thereto extend and apply to the pier and works authorised by this Order and in addition to the powers conferred by the Act of 1859 or the Acts incorporated therewith of making repealing or altering byelaws the Company may from time to time make further byelaws and vary and rescind such byelaws for all or any of the following matters (that is to say) :—

For regulating the collection and levying of the charges authorised by this Order or the Act of 1859 :

For regulating the vessels boats goods and traffic near to or on the pier or within the limits of the Order and for regulating the distance from the landing-stages within which vessels and boats shall not be moored within the said limits:

For regulating the conditions of the user of any portion of the piers or any of the buildings erected thereon:

For preventing injury to or protecting the buildings and property thereon or attached thereto:

For regulating the conduct of persons frequenting the piers and buildings and preserving order thereon and therein and

For regulating the sale of refreshments on the piers and in the buildings:

but byelaws under this Order shall not come into operation until they have been allowed and confirmed by the Board of Trade and notwithstanding anything contained in the Act of 1859 or the Acts incorporated therewith byelaws made by the Company under this Order shall not require any other confirmation or allowance except the confirmation or allowance of the Board of Trade.

Life-buoy to be kept.

34. The Company shall at all times keep at the outer extremity of the pier a life-buoy and line in good order and fit and ready for use.

Power to raise portion of existing capital by issue of preference shares and stock.

35. Subject to the provisions incorporated with this Order of the Companies Clauses Act 1863 the Company may raise any portion of the unissued capital of the Company under the Act of 1859 by the creation and issue of preference shares or stock with a preferential dividend or interest at a rate not exceeding six pounds per centum per annum Provided always that notwithstanding anything contained in the Act of 1859 or in this Order the holders for the time being of preference shares or stock created under this Order shall not be entitled to participate in any profits of the Company except in respect of the preferential dividend or interest which may be attached to such shares unless the Company at the time of the creation of such shares shall otherwise determine and then only to the extent determined.

Power to raise additional capital.

36. The Company (in addition to the capital which they are by the Act of 1859 as amended by this Order authorised to raise) may from time to time for the purposes of the Act of 1859 or of this Order and other the general purposes of the Company (being in any case purposes to which capital is properly applicable) raise by the creation and issue of new ordinary or new preference shares or stock or partly by ordinary and partly by preference shares or stock any sum or sums not exceeding two thousand pounds Provided that the dividend on any such preference shares or stock shall not exceed the rate of six pounds per centum per annum.

Company shall not issue shares of less nominal value than ten pounds.

37. The Company shall not issue any share created under the authority of this Order of less nominal value than ten pounds nor shall any share or stock vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share or the whole of such stock shall be paid in respect thereof.

Receipt of persons under disability.

38. If any money is payable under this Order to a holder of shares or stock being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

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General incidents of new capital.

39. Except as by this Order otherwise provided the capital in new shares or stock created by the Company under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Company.

Incidents of new capital in respect of dividend.

40. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

As to voting in respect of preference capital.

41. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Power to borrow.

42. Notwithstanding anything in section eleven of the Act of 1859 the Company may at any time after the passing of the Act confirming this Order from time to time borrow on mortgage of the rates and tolls authorised to be taken by the Company any sum or sums not exceeding two thousand five hundred pounds and when and so soon as the whole of the capital by that Act authorised shall have been created and issued in accordance with the provisions of that Act as amended by this Order the Company may from time to time borrow on mortgage of the rates and tolls authorised to be taken by the Company the balance of the sum of five thousand three hundred pounds which they are by that section authorised to borrow And when and so soon as the additional capital by this Order authorised shall have been created and issued the Company may from time to time borrow on mortgage of such rates and tolls the sum of five hundred pounds.

Power to issue debenture stock.

43. The Company may subject to the provisions of Part III. (debenture stock) of the Companies Clauses Act 1863 from time to time create and issue debenture stock but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of the Act confirming this Order created and issued by the Company shall rank pari passu and shall have priority over all principal moneys secured by such mortgages.

Appointment of receiver.

44. The mortgagees of the Company under the Act of 1859 as amended by this Order or under this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds.

Application of capital.

45. The Company may apply for any of the purposes of the Act of 1859 or of this Order to which capital is applicable any moneys which they are authorised to raise by shares or stock or borrowing by that Act or by this Order.

Power to agree with debenture holders for issue of

46. The Company may at any time agree with any mortgagee or holder of a debenture granted by the Company for the redemption at any time of any such mortgage or debenture by an issue of preference stock to a nominal amount

equal to the sum secured by such mortgage or debenture together with all arrears of interest instead of by payment in cash. Power to issue preference stock in redemption of debentures.

47. The Company out of any capital money in their hands or out of money to be raised by them by issue of shares or stock or borrowing under the Act of 1859 or this Order may apply any sum not exceeding four thousand five hundred pounds in satisfying and discharging any money borrowed by the Company together with all arrears of interest due thereon or any other debts and liabilities of the Company existing at the date of the passing of the Act confirming this Order. Application of capital for payment of Company's debts.

48. Before commencing the works authorised by this Order the Company shall apply to the Board of Trade for directions as to the lights to be exhibited and shall in all respects obey any direction given upon such application or afterwards from time to time given as to lights by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works and the Company shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to observe any direction so given. As to lights during construction of works.

49. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Company shall at the outer extremity of the pier and works or the completed portions thereof or in such other place or places as may be required exhibit for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to lighting and the Company shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any such directions. As to lights after completion of works.

50. In case of injury to or destruction or decay of the pier or works or any parts thereof, the Company shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any such direction. Provision against danger to navigation.

51.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced the powers by this Order given for executing such works or otherwise in relation thereto shall cease unless the time for commencement be extended by the special direction of the Board of Trade. Powers to cease in certain events.

(2.) If the works authorised by this Order after having been substantially commenced should be virtually suspended for twelve consecutive months the powers by this Order given for executing such works or otherwise in relation thereto shall cease except as to so much of such works as shall be then completed unless such powers shall by the special direction of the Board of Trade be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

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(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

Saving rights under Crown Lands Act 1866.

52. This Order shall not be taken as a consent to the surrender of any rights interests powers authorities or privileges transferred to the management of the Board of Trade by the Crown Lands Act 1866 nor shall any works under this Order be commenced within limits affected by any such rights interests powers authorities or privileges without the assent of the Board of Trade having been first obtained.

Saving rights of the Crown.

53. This Order shall not be taken as a consent to the surrender of nor shall anything in this Order prejudice or affect any property interests rights powers authorities or privileges of Her Majesty in right of Her Crown which are under the management of the Commissioners of Her Majesty's Woods or either of them.

Saving rights of the Earl of Eldon.

54. Nothing in this Order contained shall take away alter diminish or otherwise interfere with any estates rights liberties franchises emoluments or advantages of the Right Honourable John Earl of Eldon his heirs assigns or sequels in estate in to or out of any part of the shore of the sea below high-water mark in or adjacent to the parish of Swanage aforesaid.

Pier to be deemed within the county of Dorset.

55. The pier and works hereby authorised shall in respect of all matters crimes or offences arising or committed thereon and as to licensing matters and as to all matters and provisions requiring the cognisance of any justices of the peace be deemed and taken to be within and part of the county of Dorset.

Costs of Order.

56. All the costs charges and expenses of or incidental to the preparing and obtaining this Order or otherwise incurred in relation thereto shall be paid by the Company.

The SCHEDULE to which the foregoing Order refers.

I.—Tolls or Rates on Passengers and Promenaders using the Pier.

	s.	*d.*
For every passenger or other person who shall land on the pier from or embark from it on board of any ship vessel packet or passage boat for each and every time	0	2
For every person who shall use the pier for the purpose of walking for exercise pleasure or any other purpose except for embarking or disembarking for each and every time	0	2

	s.	d.
For every bath or sedan chair including the person or persons drawing or propelling the same taken on the pier for each and every time	0	4
For every perambulator including the person in charge thereof taken on the pier for each and every time	0	2
For every bicycle or tricycle taken on the pier including the person in charge thereof for each and every time	0	3
For every master of any vessel boat or wherry using the pier for the purpose of going to or returning from his own vessel boat or wherry for each and every time	0	1
Or an annual sum not exceeding	10	0

II.—Rates on Passengers' Luggage Parcels &c. landed or embarked at the Pier.

For every trunk portmanteau box parcel or package not exceeding 28 lbs.	0	2
Over 28 lbs. and not exceeding 56 lbs.	0	4
Over 56 lbs. and not exceeding 112 lbs.	0	6
Over 112 lbs. and not exceeding 168 lbs.	0	7
Over 168 lbs. and not exceeding 196 lbs.	0	8
Over 196 lbs. and not exceeding 2 cwt.	0	9
And for every additional 28 lbs. weight up to the limit of 5 cwt.	0	1
For every bicycle or tricycle	0	3

III.—Rates for Supplying Water at the Pier.

Fresh water on pier per 100 gallons	1	6
Sea water per 3 gallons	0	1

IV.—Rates on Vessels using the Pier.

For every vessel under the burden of 15 tons register per ton register	0	4
For every vessel of the burden of 15 tons and under 50 tons register per ton register	0	6
For every vessel of the burden of 50 tons and under 100 tons register per ton register	0	8
For every vessel of the burden of 100 tons and under 150 tons register per ton register	0	10
For every vessel of the burden of 150 tons register and upwards per ton register	1	0
For every barge or lighter for each trip per ton	0	3

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WHITEHILLS.

Whitehills.

Order for the construction and maintenance of works at the Harbour of Whitehills in the county of Banff and for constituting Harbour Commissioners and vesting in them the harbour and works and for the regulation of the harbour and for other purposes.

Interpretation of terms.

1. The several words and expressions to which by the Acts incorporated with this Order meanings are assigned have in this Order the same respective meanings unless excluded by the subject or context And in this Order and in the schedule hereto unless excluded by the subject or context :—

The expression "the Commissioners" means the Whitehills Harbour Commissioners incorporated by this Order ;

The expression "the harbour" means and includes the harbour of Whitehills and the piers and quays therein and the new works to be erected under this Order within the limits thereof as defined by this Order and all additions to and improvements of the harbour under this Order ;

The expression "town or village" means the town and village of Whitehills ;

The expression "the ratepayers" means persons qualified to be electors by paying parochial and other rates within the Whitehills special water supply district and as appearing on the valuation roll for the county of Banff for the time being.

Incorporation of Commissioners.

2. For the purpose of carrying this Order into execution there shall be a body of Commissioners in this Order referred to as "the Commissioners" to be nominated and elected as in this Order provided and they and their successors shall be and are hereby for the purposes of this Order incorporated by the name of the Whitehills Harbour Commissioners and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes but subject to the provisions and restrictions of this Order and this Order shall accordingly be carried into effect by the Commissioners.

Constitution of Commissioners.

3. There shall be nine Commissioners for the purposes of this Order who shall be elected or appointed as the case may be in manner hereinafter provided.

First Commissioners.

4.—(1.) The first Commissioners shall be the following nine persons viz. George Findlay merchant Henry Lovie fisherman George Watson fish curer George Watson "Hallie" fisherman Alexander Dey blacksmith George Lovie retired shipmaster George Downie fish curer James George Murray carpenter and Henry John Watson merchant all of Whitehills.

(2.) The first Commissioners shall come into office at the expiration of fourteen days from the passing of the Act confirming this Order and shall go out of office on the third Tuesday in the month of November following.

Election of future Commissioners.

5. The following provisions shall be applicable to the election of the Commissioners after the first Commissioners :—

(1.) On the third Tuesday of November next following the passing of the Act confirming this Order the ratepayers shall elect nine Commissioners and thereafter one third of the Commissioners shall go annually out of office on the same day of the month as that on which the Commissioners were elected

into office or on the next lawful day thereafter in each year and on the same day of the month or the next lawful day annually the places of the Commissioners going out of office shall be supplied by an equal number of new Commissioners to be elected as above provided for the retiring Commissioners being eligible for re-election. A.D. 1895. *Whitehills.*

(2.) The third of the Commissioners who shall go out of office at the expiration of the first year after the first election as hereinbefore provided for shall be those who at such first election had the smallest number of votes and the Commissioners who shall go out of office at the expiration of the second year who shall be those who had the next smallest number of votes at such first election and thereafter the third of the Commissioners who shall annually go out of office shall be the Commissioners who have been longest in office Provided always that in any case where there shall have been an equality of votes or more than the third retiring Commissioners being on an equality the Commissioners shall themselves decide at a meeting convened for the purpose which Commissioners shall go out of office.

Mode of conducting election of Commissioners.

6. The following rules shall be observed with respect to the election of Commissioners by the ratepayers :—

(1.) The election shall take place at a meeting of the ratepayers to be held in the public hall of the town or village or other convenient place within one mile of the harbour suitable for holding such meeting.

(2.) The Commissioners shall cause the day hour and place of such meeting to be published by written or printed notice affixed to the door of the public hall or other convenient place as aforesaid and of the harbour office not less than seven clear days before such meeting.

(3.) The election shall be by show of hands at a meeting of the ratepayers to be notified as aforesaid A majority of the ratepayers to rule the election.

(4.) Any two ratepayers may at such meeting propose any other person as a candidate for the office of Commissioner.

(5.) One of the Commissioners for the time being (not being a candidate) or at the first election any ratepayer (not being a candidate) shall act as chairman of the meeting of the ratepayers and shall declare the number of votes given to each candidate and in case his decision is challenged shall cause the number of ratepayers voting for any candidate to be ascertained by taking a division or in some other convenient manner.

(6.) The decision of the chairman who in the case of equality will have a casting vote as to the result of such division or ascertainment of the number of ratepayers voting shall be final and unimpeachable.

(7.) At the first election the nine candidates and at subsequent elections the three candidates having the greatest number of votes shall be the Commissioners elected.

(8.) The chairman of the meeting shall report to the Commissioners the names of the persons elected as Commissioners.

Appointment by Commissioners in case of failure to elect.

7. In case at any time there is a failure to make a valid election in accordance with the provisions of this Order of Commissioners the Commissioners shall within two months thereafter at a special meeting appoint as Commissioner or Commissioners a person or persons to the number required and every Commissioner so appointed shall be deemed a Commissioner and shall in all respects

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be as if he had been actually elected In case of any equality of votes at any such election or appointment by the Commissioners the chairman of the Commissioners for the time being shall have a second or casting vote.

Commissioners may resign.

8. Any Commissioner may resign office at any time upon giving to the Commissioners or their clerk not less than three weeks' written notice of such his intention.

Occasional vacancies among Commissioners.

9. If any one of the Commissioners refuses to accept office dies resigns or becomes incapable or incompetent to act as or ceases to be a Commissioner from any cause other than that of going out of office in regular course the vacancy shall be filled up in manner following (that is to say) the other Commissioners shall as soon as may be thereafter at a meeting of the Commissioners appoint a person in his stead and in every case the Commissioner so elected shall continue in office for the same period as the person in whose place he is elected would in ordinary course have continued and shall go out of office at the same time but shall be eligible for re-election In case of an equality of votes at any such election the chairman of the Commissioners for the time being shall have a second or casting vote.

Acts of the Commissioners not to be invalidated by reason of vacancies.

10. In the event of any vacancy or deficiency in the number of Commissioners between the times fixed for election or appointment as aforesaid the Commissioners for the time being shall continue to be as competent to act as if no such vacancy or deficiency in number had occurred and on the expiration of their term of office the Commissioners for the time being shall be competent to continue to act until their successors are appointed.

Informalities of election or appointment of Commissioners not to invalidate proceedings.

11. No act of the Commissioners shall be invalidated or be illegal by reason of the full number or any of the Commissioners hereby authorised to be elected or appointed not being so elected or appointed as aforesaid or by reason of any irregularity or omission in or about any election or appointment of any Commissioner or in or about any matter preliminary or incidental thereto.

Incorporation of parts of Commissioners Clauses Act, 1847.

12. The Commissioners Clauses Act 1847 (except the provisions thereof with respect to the election and rotation of the Commissioners where the Commissioners are to be elected by the ratepayers or other like class of electors) and except in so far as the other sections of that Act are inconsistent with this Order is and shall be incorporated with this Order and shall so far as the nature and circumstances of the case will admit apply to the Commissioners collectively and severally subject to the following provisions :—

(1.) The same person may be both clerk and treasurer to the Commissioners.

(2.) With reference to section thirty-nine of the last-mentioned Act the prescribed number (constituting a quorum) of the Commissioners shall be three.

Meetings of Commissioners.

13. General meetings of the Commissioners after the first shall be held in such places within the district of Whitehills and at such times as they shall appoint The first meeting of the Commissioners shall be held in the Public Hall Whitehills or other convenient place in Whitehills at seven o'clock p.m. on the first Saturday after expiration of fourteen clear days from the date of the passing of the Act confirming this Order The annual meeting of the Commissioners shall be held in the month of December at such time and place as the Commissioners may fix All meetings of the Commissioners shall be notified to each Commissioner in writing at least sixty hours before the hour of meeting.

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14. The clerk to the Commissioners on requisition being made to him stating in writing the object of the intended meeting and signed by the chairman or two of the Commissioners shall cause special meetings to be called within sixty hours and to be held within ten days after such requisition. Emergency meetings may be called by the chairman or clerk at any time upon three hours notice written or verbal. Special meetings and emergency meetings.

15. The Commissioners shall annually elect one of their number to be chairman who shall preside at all meetings at which he is present. Election of chairman.

16. The Board of Trade may from time to time appoint a permanent auditor of the accounts of the Commissioners and fix the salary to be paid to him and such salary shall be paid to him accordingly by the Commissioners out of the rates levied under this Order. Appointment of auditor.

17. The Lands Clauses Acts except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking are hereby incorporated with this Order. Incorporation of Lands Clauses Acts.

18. From and immediately after the passing of the Act confirming this Order the harbour within the limits thereof as defined by this Order shall by force of this Order become the property of and be absolutely vested in the Commissioners free from any claim or demand for any moneys heretofore expended thereon by the Dowager Countess of Seafield and thereafter the harbour shall be held maintained and used by the Commissioners for the purposes of and subject to the provisions of this Order. Vesting of harbour in Commissioners.

19. The limits of the harbour for the purposes of this Order within which the Commissioners shall have authority and which shall be deemed the limits to which this Order extends shall comprise the present harbour at Whitehills and the new works to be constructed under this Order and the area below the high-water mark bounded by the following imaginary lines (1) By a line commencing at a point on the sea shore at high-water mark distant 366 yards or thereby west from the southern angle of the east quay at the entrance to the existing harbour of Whitehills and extending due north a distance of 320 yards or thereby (2) By a line commencing at a point on the sea shore at high-water mark distant 350 yards or thereby east from the said southern angle of the east quay of the existing harbour of Whitehills and extending due north a distance of 266 yards or thereby and (3) By a line connecting the northern extremities of the above described two imaginary lines. Limits of harbour.

20. Subject to the provisions of this Order and subject also to such alterations if any in the deposited plans and sections as the Board of Trade may require from time to time before the completion of the works in order to prevent injury to navigation the Commissioners may on the lands belonging to them or acquired by them under this Order and in the lines and according to the levels shown on the deposited plans and sections and within the limits of deviation shown on these plans execute and maintain the works authorised by this Order. Construction of works.

21. The works authorised by this Order include:—

(1.) The construction of a pier or quay commencing at a point on the side of the road leading from Whitehills to Blackpots distant about five hundred and nine feet in an east north-easterly direction from the north corner of the buildings situated to the north of Watson's curing yard and extending Description of works.

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in a north-westerly direction for a distance of one hundred and seventy feet thence in a south-west by westerly direction for a distance of three hundred and sixty-three feet or thereby and thence in a north-westerly direction for a distance of two hundred and eleven feet and there terminating.

(2.) A pier commencing at a point at the side of the road leading from Whitehills to Blackpots distant about two hundred and thirty feet measured in an east by southerly direction from the north corner of the building situated to the north of Watson's curing yard and extending in a north-westerly direction for a distance of two hundred and seven feet or thereby and there terminating.

The piers or quays will be solid.

The works will be situated in the parish of Boyndie and county of Banff and on the foreshore and bed of the sea ex adverso of the said parish and county.

Improvement of harbour.

22. The Commissioners may excavate and remove rocks sand or gravel in the entrance channel and within the area bounded by the piers or quays and may dredge scour and deepen the harbour and the accesses thereto.

Powers of deviation.

23. In constructing the works by this Order authorised the Commissioners may with the consent in writing of the Board of Trade deviate laterally from the lines of such works delineated on the deposited plans to any extent not exceeding the limits of deviation marked on the deposited plans and may deviate vertically from the levels of the said works as defined on the deposited sections to any extent not exceeding ten feet.

Power to take land by agreement.

24. For the purpose of the works authorised by this Order the Commissioners may from time to time by agreement enter on take and use all or any part of the lands foreshore and hereditaments shown on the deposited plans as they may think requisite for the purposes of this Order.

Lands for extraordinary purposes.

25. The Commissioners may purchase and hold for extraordinary purposes any lands not exceeding in the whole three acres but this Order or anything herein contained shall not exempt the Commissioners from any proceedings on account of any nuisance caused or permitted by them on any land acquired by them under this section.

Improvement and maintenance of harbour.

26. Subject to the provisions of this Order the Commissioners may from time to time construct maintain alter and improve the harbour quay and dockage piers jetties wharves sewers drains water-courses roads approaches gates streets and other works and conveniences and may lay down and construct rails tramways and sidings on or along the quays piers and other works within the harbour, and may alter dredge scour deepen widen enlarge improve and maintain the entrance channels and waterways of the harbour and may make and maintain buoys moorings lights beacons landing places and other works and conveniences Provided that any line of tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until the same shall have been inspected and certified by the Board of Trade to be fit for such traffic.

Consent of Board of Trade to works.

27. Any works authorised by this Order below high-water mark shall not be commenced without the consent thereto of the Board of Trade having been first obtained in writing and shall be executed only in manner approved by the Board of Trade in writing.

28. The Commissioners may also construct and maintain or take on lease all warehouses offices sheds weighing-machines cranes and other works buildings and conveniences which may be found necessary in connexion with the harbour for the accommodation of vessels thereat and of traffic landed at or embarked from the harbour. Power to construct warehouses &c.

29. Every person who wilfully obstructs any person acting under the authority of the Commissioners in setting out the lines of the works authorised by this Order or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works or any part thereof or who defaces or destroys the said works or any part thereof shall for every such offence be liable to a penalty not exceeding five pounds. Penalty for obstructing works.

30. All sand mud and materials dredged up or removed within the limits of this Order shall be the property of the Commissioners who may from time to time sell or otherwise dispose of the same or remove or deposit the same within those limits and may supply ballast to or remove ballast from any vessel within the harbour or permit such supply to be obtained or such removal to be effected by the master or owner provided that no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent of the Board of Trade having been first obtained. As to material dredged.

31. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary for the due construction of the works authorised by this Order have been given all or any existing exemptions from payment of rates or harbour dues shall cease and determine and the Commissioners may subject to the provisions of this Order for the use of the harbour and works and conveniences connected therewith demand recover and receive in respect of vessels boats persons animals fish goods and things and of services rendered described in the schedule to this Order any sums not exceeding the several rates specified in such schedule Provided that the Commissioners before commencing to levy rates for beaching boats authorised by this Order shall provide suitable accommodation for beaching boats to the satisfaction of the Board of Trade and shall thereafter maintain the same to the like satisfaction. Power to levy rates.

32. When and so soon as it shall be at any time or from time to time certified in writing under the hand of any officer to be appointed for the purpose by the Board of Trade and paid by the Commissioners that the works authorised by this Order have been so far completed as to afford increased harbour accommodation by means of such works the Commissioners may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order shall not then have been completed demand receive and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as shall in the opinion of the Board of Trade be commensurate to the increased accommodation afforded. Rates may be levied though works not completed.

33. When and so soon as the Commissioners are entitled to demand and take the several rates specified in the schedule to this Order all other rates tolls dues or duties shall cease to be demanded in respect of the harbour or the works or conveniences connected therewith but without prejudice to their right to recover Existing rates to cease when new rates leviable.

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any money actually due at the time of cesser and all exemptions from payment of rates tolls or dues shall cease to be operative.

Revision of rates.

34. The Commissioners shall from time to time revise the rates received by them under this Order so that the income of the Commissioners under this Order may always be so far as practicable sufficient and not more than sufficient for the purposes of this Order and if at any time and from time to time the clear annual income derived from the rates on the average of the then preceding three years after payment of all expenses and outgoings shall exceed the amount sufficient to answer the purposes of this Order the Board of Trade may if in their discretion they think fit reduce such rates to such sums as will be sufficient to provide the amount aforesaid with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the sums specified in the schedule to this Order.

Power to lease rates.

35. The Commissioners may from time to time lease the rates and dues authorised by this Order for any term not exceeding seven years to take effect on possession and for such rent and consideration and on such terms as they think fit and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering rates and dues as the Commissioners have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to all the provisions as to accounts and otherwise to which the Commissioners are subject under this Order.

Power to confer exemptions and compound for rates.

36. The Commissioners may from time to time confer vary or extinguish exemptions from and enter into compositions with any person or persons or company with respect to the payment of the rates authorised by this Order but so that no preference be given to any person or company and that anything done under this section shall not prejudice the other provisions of this Order.

Provisions as to collection of rates.

37. The Commissioners may levy sue for and recover the rates for fish brought into the harbour direct from sea either from the persons bringing the same into the harbour or from the fish salesmen or auctioneers who dispose of such fish or from the persons purchasing or receiving delivery of the same who shall respectively be entitled to deduct the amount of such rates from the price at which such fish were sold or purchased and such fish salesmen auctioneers and purchasers or receivers of such fish shall when required be respectively bound to furnish the Commissioners or their collector of rates with a true account under their hands of the quantity or value of such fish and to verify the same by the production of their books and every person who shall refuse to give such account or who shall subscribe a false account shall be deemed guilty of an offence for which he shall be liable to a penalty not exceeding ten pounds.

Commissioners may provide and license steam tugs.

38. The Commissioners may from time to time build purchase contract for or hire and may maintain use and let steam tugs or other power for the use and accommodation of vessels frequenting the harbour and may also from time to time license such number of steam tugs or other power belonging to any person for such period and on such terms and conditions as they think fit.

Charges for steam tugs.

39. The Commissioners may from time to time with the approval of the Board of Trade fix such rates and charges as appear to them reasonable for or in respect of the use of such steam tugs or other power maintained used and let

or licensed by them and such rates or charges shall be paid by the owner agent master consignee or other person having charge of the vessel obtaining the assistance of such steam tug or other power to the Commissioners or to their lessee or to the person with whom they may contract or to the owner of such steam tug or other power if licensed by the Commissioners as the case may be And such rates and charges shall be due and payable whether such steam tug or other power shall be actually employed or not provided the assistance thereof shall have been required and shall in consequence of a requisition have been tendered by the master or other person having the command of such steam tug or other power.

Rates for use of warehouses &c.

40. The Commissioners may demand and receive such rates or other consideration as they may think reasonable for any special services rendered by them and for the use of any warehouses sheds buildings weighing machines cranes yards works and conveniences belonging to them in respect of which rates are not specially fixed in the schedule to this Order.

Annual account to be sent to Board of Trade.

41. The Commissioners within one month after sending to the sheriff clerk the copy of their annual account in abstract (which account shall be made up to the end of the day on the twenty-fifth day of March in each year), shall send a copy of the same to the Board of Trade and section sixteen of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account If the Commissioners refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Certain fishing vessels under stress of weather exempt from rates.

42. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties or port charges such vessels when driven by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the harbour and works and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Certain officers and others exempt from rates.

43. The Secretary for Scotland and any person or persons deputed by him and officers of the Board of Trade and of the Fishery Board for Scotland being in the execution of their duties shall at all times have free ingress passage and egress to in through and out of and from the harbour and works by and with their vessels and otherwise without payment.

Lifeboat crew exempt from rates.

44. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to in through out of and from the harbour and works without payment.

Life-saving apparatus may be attached to any part of harbour.

45. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily and from time to time without payment attach or cause to be attached to any part of the breakwaters harbour or works spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the breakwaters harbour or works.

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Meters and weighers may be licensed.

46. The Commissioners may appoint and license a sufficient number of persons to be meters and weighers at and within the harbour.

Commissioners to be local authority.

47. For the purposes of this Order the Commissioners shall be deemed a local authority within the meaning of the Merchant Shipping Act 1894 and all the powers by that Act conferred on local authorities shall be vested in the Commissioners for the purposes of this Order.

Master of vessel to report arrival

48. Within twelve hours after the arrival within the harbour of any vessel liable to rates the master of such vessel shall report such arrival to the collector of rates and if he fails to make such report within the time aforesaid and after he has been required to do so by the collector he shall be liable to a penalty not exceeding ten pounds.

and to give an account of cargo.

49. The master of every vessel shall on his arrival in the harbour and before unloading any part of his cargo and immediately after being loaded be obliged to give in to the collector of rates or to such person as the Commissioners shall appoint an exact and full account of his cargo by producing his bills of lading or his manifest or intake account or a true copy thereof and such other documents as the collector shall deem necessary and demand for ascertaining the true contents thereof and every person failing so to do or not delivering a just and true account of his cargo both outwards and inwards as aforesaid shall for every such offence forfeit and pay any sum not exceeding ten pounds over and above the whole rates and dues payable in respect of such loading and unloading.

Masters of fishing boats to report arrival and give account of take of fish.

50. The master or owner or one of the owners or one of the crew of every boat engaged in the white fishery and of every boat delivering herrings (except boats engaged in the herring fishing at the harbour for the regular herring fishing season) shall on arrival in the harbour forthwith report the same to the harbour master or collector of rates and shall furnish to the collector a true and accurate statement of his or their take of fish and the names of the persons obtaining delivery of the same and liable for the rates or dues thereon and in case of refusal or omission so to do shall be liable to a penalty not exceeding ten pounds for every such refusal or omission.

Harbour master may prevent sailing of vessels when rates have not been paid.

51. The harbour master may prevent the removal or sailing out of the harbour of any vessel or boat in respect of which any rate or due shall have been payable until evidence shall have been produced to him of the payment of such rate or due to the collector of rates and until the master or owner or one of the owners or one of the crew shall have given in an account of his cargo as required by the two immediately preceding sections hereof.

Power to borrow.

52. The Commissioners may from time to time borrow and re-borrow at interest such sums as may be required for the purposes of this Order not exceeding in the whole the sum of ten thousand pounds on security of the rates and charges authorised by this Order and of the lands and other property acquired by them or they may accept and take from any bank or banking company credit for any amount not exceeding the said sum of ten thousand pounds on a cash account to be opened and kept in the name of the Commissioners according to the usage of bankers in Scotland and the Commissioners may grant bonds and assignations of the said rates and bonds and dispositions or bonds and assignations over the said lands and other property in security of

the repayment of the moneys so borrowed or of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon respectively.

Re-borrowing.

53. Any money borrowed under this Order and discharged otherwise than by means of a sinking fund or by instalments may be re-borrowed if required for the purposes of this Order and so from time to time.

Application of money borrowed.

54. The Commissioners shall apply all money borrowed by them under this Order in defraying the costs of the works conveniences and purposes authorised by this Order and of other purposes in connexion with the harbour to which capital is properly applicable and not otherwise.

For appointment of a judicial factor.

55. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor.

In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than one thousand pounds in the whole.

Sinking fund.

56. The Commissioners shall every year appropriate and set apart out of the surplus revenues (if any) of the harbour such a sum as will with the accumulations thereof by way of compound interest be sufficient to pay off the whole of the principal moneys borrowed under this Order within fifty years after the same are respectively borrowed.

Annual return to Board of Trade with respect to sinking fund.

57. The clerk to the Commissioners shall within two months after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Order, transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been invested or deposited for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested or deposited and also showing the purpose to which any portions of the moneys invested or deposited for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested or deposited at the end of the year and in the event of any wilful default in making such return such clerk shall be liable in a penalty not exceeding twenty pounds If it appear to the Board of Trade by such return or otherwise that the Commissioners have failed to set apart in accordance with the provisions of this Order the sum required by this Order for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Order the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or deposited as part of the sinking fund and such order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland in a summary application presented for that purpose.

Contingency fund.

58. The Commissioners may yearly if they think fit for the purpose of forming a contingency fund not exceeding five thousand pounds to meet any unforeseen accident or extraordinary damage which may happen or be caused to the harbour

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appropriate and set apart in whole or in part the surplus revenue of the harbour (if any) after meeting the ordinary expenditure and interest and sinking fund as by this Order provided and shall deposit the sum set apart in some joint stock bank of issue in Scotland to be increased by accumulation in the way of compound interest or otherwise until required for any of the aforesaid purposes and to be applied as required for the maintenance of the harbour or the Commissioners may expend the surplus revenue or any part thereof as it accrues in the extension or improvement of the harbour.

Byelaws.

59. The Commissioners may in addition to any other powers conferred on them by this Order as to byelaws make byelaws for the regulation and control of vessels and boats within the harbour and for the regulation and control of the fishermen and other persons and goods and traffic in and at the harbour and works ground or property belonging to the Commissioners and used for harbour purposes but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade which shall be sufficient for all purposes.

Portion of Harbours Clauses Act excepted.

60. Sections 16 17 18 and 19 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Commissioners shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the harbour and build on such site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus and shall be liable to a penalty not exceeding ten pounds for every month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Boats not to anchor within harbour without consent of Commissioners.

61. No vessel or boat shall without the consent of the Commissioners or their harbour master anchor within the limits of the harbour.

Application of revenues.

62. The rates received by the Commissioners under this Order and the other harbour revenues shall be applied for the purposes and in the order following and not otherwise :—

(1.) In paying the costs charges and expenses of and incident to preparing and obtaining this Order or otherwise incurred in relation thereto ;

(2.) In paying any feu duties or rents payable in respect of any lands or property if any belonging to or leased by the Commissioners in connexion with the harbour and in paying the expenses of the maintenance repair management and regulation of the harbour and works now existing and the works authorised by this Order including the expense of the execution maintenance and repair of such other works buildings sheds warehouses wharves jetties tugs dredges hydraulic machinery cranes engines and conveniences as from time to time shall be necessary for the purposes of the harbour or the accommodation of the shipping resorting thereto and in defraying the other necessary administration expenses of the Commissioners in relation to the harbour including the cost of borrowing money under this Order ;

(3.) In paying year by year the interest on money borrowed by the Commissioners for the purposes of this Order ;

(4.) In forming a sinking fund for payment of principal moneys borrowed under this Order ;

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(5.) In forming and maintaining a contingency fund if the Commissioners think fit for providing for accidents to the harbour;

(6.) In paying off any other debts contracted or to be contracted by the Commissioners for the purposes of this Order;

(7.) In executing the works authorised by this Order and in further improving deepening and extending the harbour and works connected therewith and in carrying into effect the purposes of this Order.

Lights to be exhibited during construction of works.

63. Before commencing the works authorised by this Order the Commissioners shall apply to the Board of Trade for directions as to the lights to be exhibited and shall in all respects obey any direction given upon such application or afterwards from time to time given as to lights by the Board of Trade during the construction of the works and compliance with directions so given shall satisfy and be in the place of every other statutory requirement as to lights during construction of the works and the Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to observe any such direction.

As to lights after completion of works.

64. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Commissioners shall at the outer extremity of the pier or the completed portions thereof or in such other place or places as may be required exhibit for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such light or lights (if any) as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to lighting and the Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any such direction.

Provision against danger to navigation.

65. In case of injury to or destruction or decay of the piers or works or any part thereof the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to the means to be taken and the Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any such direction.

Powers to cease in certain events.

66.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced the powers by this Order given for executing such works or otherwise in relation thereto shall cease to be exercised unless the time for commencement be extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order after having been substantially commenced should be virtually suspended for twelve consecutive months the powers by this Order given for executing such works or otherwise in relation thereto shall cease to be exercised except as to so much of such works as shall be then completed unless such powers shall by the special direction of the Board of Trade be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

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(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

Saving rights under Crown Lands Act 1866.

67. This Order shall not be taken as a consent to the surrender of any rights interests powers authorities or privileges transferred to the management of the Board of Trade by the Crown Lands Act 1866 nor shall any works under this Order be commenced within the limits affected by any such rights interests powers authorities or privileges without the assent of the Board of Trade having first been obtained.

Saving rights of Crown under Crown Lands Act.

68. Nothing contained in this Order or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Costs of Order.

69. All costs charges and expenses of or incident to preparing and obtaining this Order or otherwise incurred in relation thereto shall be paid by the Commissioners and the Commissioners may apply any of their funds towards such purposes.

Short title.

70. This Order may be cited as the Whitehills Harbour Order 1895.

The SCHEDULE to which the foregoing Order refers.

Part I.—Rates on Vessels using the Harbour exclusive of their Cargoes.

	£	s.	d.
1. Vessels loading or discharging at the harbour per register ton -	0	0	4
2. Pleasure yachts not carrying goods or passengers for hire per register ton - - - - - -	0	0	3
3. Vessels entering the harbour for safety or windbound and which shall not load or unload any goods or cargo per register ton -	0	0	2
4. Vessels remaining in the harbour beyond one month shall be liable in one half of above rates for every month or part of a month they may remain beyond the first month.			

No rates are to be levied on vessels passing through the harbour and not otherwise using it.

PART II.—RATES ON FISHING BOATS AND FISHING VESSELS USING THE HARBOUR.

1. Boats or vessels employed at the herring fishery at the harbour for the herring fishing season payable on or before the twenty-sixth July :—

	£	s.	d.
If under 30 tons register each - - - -	1	0	0
If 30 tons register or above each - - -	1	5	0

NOTE.—The herring fishing season shall from time to time be fixed by the Commissioners and notice thereof shall be posted in some conspicuous place at the harbour.

2. Boats or vessels prosecuting the white or other fishing other than the herring fishing at the harbour as a composition in full of rates payable in advance :—

From the first October to thirtieth September—

If manned by not fewer than five hands each - -	0	10	0
If manned by fewer than five hands each - -	0	5	0

3. Boats or vessels not compounding as above but which shall load or discharge herrings or other fish on entering the harbour each time—

If exceeding 30 tons each - - - -	0	2	0
If not exceeding 30 tons each - - - -	0	1	6

Fishing boats or vessels of less than 18 feet in length measured from the after part of the stern post to the fore part of the stem both aloft shall be exempted from the above rates.

4. Boats or fishing vessels loading or discharging any other cargo than fish on entering the harbour each time—

If under 30 tons register each - - - -	0	3	0

If 30 tons register or above same as other trading vessels.

5. Boats and fishing vessels coming into the harbour for safety or wind-bound but which shall not load or unload any fish or other cargo each time—

If under 30 tons register each - - - -	0	1	0
If 30 tons or above and under 50 tons each - -	0	2	0

If 50 tons or above same as trading vessels.

6. Boats and fishing vessels fitting out for or returning from other fishing stations not paying dues as above including dues on furniture each - - - - - - - 0 2 6

No rates are to be levied on boats passing through the harbour and not otherwise using it.

PART III.—RATES ON GOODS SHIPPED TRANSHIPPED OR UNSHIPPED IN THE HARBOUR.

Articles of Export or Import.	Weight or Measure.	Rates.
		s. d.
Ale and beer - - - - -	per 54 gallons -	1 0
„ „ bottled - - -	per gross - -	1 0
Alum - - - - -	per cwt. - -	0 1¼

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Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
Anchors	per ton	5	0
Ashes	per ton	2	0
Asphalte and bitumen	per ton	1	3
Aerated water all kinds	per ton	1	8
Bacon or hams	per ton	3	4
Ballast	per ton	0	2
Barilla	per ton	3	0
Bark oak	per ton	2	6
Barley and all other grotts	per ton	2	0
Barrels empty herring	each	0	1
Baskets under 12 inches diameter	per dozen	0	6
„ above „ „	per dozen	1	0
Basket rods	per cwt.	0	2
Beef or pork (fresh or salt)	per ton	3	6
Beer black or spruce	per 3 gallons	0	2
Billiard table	per cwt.	0	2
Biscuits	per ton	3	0
Blacking	per cwt.	0	6
Bleaching salts	per cwt.	0	2¼
Blubber	per 252 galls.	3	0
Bones (crushed or uncrushed)	per ton	1	6
Books and stationery	per cwt.	0	4
Bottles	per gross	0	4
„ broken	per ton	0	6
Boxwood	per cwt.	0	1¾
Bran	per ton	1	0
Brass	per ton	2	0
Bricks	per 1,000	0	10
Brimstone	per ton	2	0
Bristles	per cwt.	0	9
Brooms (common)	per dozen	0	2
Bulrushes	per cwt.	0	8
Butter	per cwt.	0	9
Boxes (empty)	each	0	1
Candles	per ton	3	6
Canvas	per cwt.	0	2
Carpet rugs and upholstery articles	per ton	2	6
Cane reeds	per cwt.	0	3
Carboys (empty)	each	0	1
Carriages with springs under 5 cwt.	each	3	0
„ „ 5 cwt. and under 7½ cwt.	each	5	6
„ „ 7½ cwt. and under 10 cwt.	each	7	6
„ „ 10 cwt. and above	each	10	0
Carrots	per ton	1	0
Casks boxes sacks and kits empty except returned empties as provided for in the notes to this schedule	each	0	1
Cattle :—			
Bulls cows and oxen	each	1	6
Calves	each	0	6
Horses	each	2	0
Ponies under 12 hands	each	1	0
Asses or mules	each	1	0
Pigs	each	0	3
Sheep and lambs	each	0	6

	Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
	Cattle—			
	Small cattle and ponies from Orkney and Shetland	each	0	6
	Cement	per ton	1	6
	Chalk	per ton	1	6
	Cheese	per ton	2	6
	Chestnuts	per cwt.	0	4½
	Chimney tops	each	0	1
	Chocolate	per cwt.	1	0
	Cider	per 54 gallons	0	9
	Cinders and charcoal	per ton	0	9
	Clay viz.:—china or stone	per ton	1	0
	Clay pipes	per ton	1	0
	Clocks	each	1	0
	Clothing haberdashery silk mercery &c. not otherwise enumerated	per ton	3	0
	Coals	per ton	0	6
	Cocoa	per cwt.	4	0
	Cocoa nuts	per 100	0	4
	Coffee	per cwt.	0	3
	Coke	per ton	0	10
	Confections of all kinds	per cwt.	0	2
	Copper	per ton	3	0
	„ old	per ton	2	0
	„ ore	per ton	1	0
	Copperas	per cwt.	0	1¾
	Colours	per cwt.	0	1¾
	Cordage	per ton	2	6
	„ old not in use	per ton	1	0
	Cork wood and corks	per ton	3	4
	Corn and meal viz.:—			
	Barley and bigg	per ton	1	4
	Bere and meal	per ton	1	6
	Beans	per ton	1	4
	Indian corn	per ton	1	4
	Indian meal	per ton	1	6
	Malt	per ton	2	8
	Oats	per ton	1	4
	Oatmeal	per ton	1	6
	Peas	per ton	1	6
	Rye	per ton	1	4
	Wheat	per ton	1	6
	Cotton wool &c.	per ton	5	0
	Crystal	per ton	5	0
	Cutch	per ton	1	6
	Dogs	each	0	6
	Drugs	per cwt.	0	4
	Dung	per ton	0	4
	Earthenware	per ton	2	6
	Eggs	per cwt.	0	3
	Emery and emery stones	per cwt.	0	3
	Feathers	per ton	10	0
	Felt	per ton	2	6

Articles of Export or Import.	Weight or Measure.	Rates.
		s. *d.*
Fish dried	per ton	2 6
„ pickled or salted	per ton	2 0
„ fresh haddock cod ling and fish not enumerated	per cwt.	0 1
„ offal	per ton	0 6
Flax	per cwt.	0 2
Flour	per ton	2 8
Flower roots	per cwt.	0 2
Flint stones	per ton	0 6
Fruit viz.:—		
Apples pears and berries	per cwt.	0 3
Plums cherries grapes and nuts (except cocoa)	per cwt.	0 4
Melons	per cwt.	0 2
Peaches	per 100	0 2
All not enumerated	per 10*l.* value	0 10
Furniture household	per 10*l.* value	1 0
Furriers' waste	per ton	0 4
Game viz.:—		
Hares	each	0 2
Rabbits	each	0 1
All others	each	0 2
Ginger	per cwt.	0 3
„ preserved	per cwt.	0 6
Glass of all descriptions	per cwt.	0 2
Glue	per cwt.	0 4
Grates stoves &c.	per ton	3 6
Grease	per ton	2 6
Groceries all kinds not enumerated	per cwt.	0 3
Gunpowder	per cwt.	0 3
Guano	per ton	1 6
Hair all kinds	baken per cwt.	0 4½
	plasterer's per ton	2 0
Hardware	per cwt.	0 2
Hats	per dozen	0 6
Hay	per ton	1 6
Hemp	per ton	3 6
Herrings imported fresh	per 37½ gallons	0 2½
„ cured and exported	per 26⅔ gallons	0 2
„ in barrels imported and exported	per 26⅔ gallons	0 3
Hides raw	per cwt.	0 2
Honey	per cwt.	0 3
Hoops of wood	per 1,000	0 10
Hops	per cwt.	0 6
Horns slugs and tips	per 1,000	1 8
Husbandry implements	per ton	1 4
Iron viz.:—		
Bar plate bolt and rod	per ton	2 0
Forged made work and hoops	per ton	3 4
Old	per ton	1 3
Old and broken goods	per ton	0 6
Cast-iron goods	per ton	2 6
Wire	per cwt.	0 2
Pig	per ton	1 0

	Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
	Kelp	per ton	1	0
	Kiln pavement	per 30 running feet	0	4
5	Lard	per ton	2	0
	Lead	per ton	2	0
	Lead black	per ton	2	0
	Lead ore	per ton	2	0
	Lead red and white	per ton	2	0
10	Lead shot	per ton	3	0
	Lead sugar of	per cwt.	0	2
	Leather tanned and dressed	per cwt.	0	3
	Lemons	per cwt.	0	4
	Lignum vitæ	per ton	3	0
15	Lime	per ton	0	6
	Loam	per ton	0	4
	Machinery	per cwt.	0	2
	Manures manufactured and not otherwise enumerated	per ton	1	6
20	Mats and basses	per dozen	0	1
	Mill waste	per ton	2	0
	Molasses	per ton	2	0
	Mussels	per ton	0	3
	Nuts all kinds (except cocoa)	per cwt.	0	3
25	Oakum	per ton	0	3
	Ochre	per cwt.	0	1½
	Oil all kinds	per ton	3	4
	„ cake	per ton	2	0
	Onions	per cwt.	0	3
30	Oranges	per cwt.	0	4
	Oysters	per cwt.	0	3
	Peats	per ton	0	3
	Paper	per cwt.	0	2
	Passengers entering or leaving harbour baggage			
35	of	per cwt.	0	2
	Pewter	per ton	2	0
	„ old	per ton	1	8
	Pianoforte	per 10*l.* value	1	0
	Pictures under two feet square	each	0	6
40	„ two feet and under four feet	each	1	0
	„ four feet and upwards	each	2	0
	Pigs' heads	per cwt.	0	0¾
	Pitch	per cwt.	0	2
	Plaster of Paris	per ton	2	8
45	Plants nursery and garden all kinds	per cwt.	0	4
	Porter	per 54 gallons	0	9
	„ bottled	per gross	1	0
	Potatoes	per ton	1	0
	Poultry all kinds	each	0	1
50	Pumice stones	per cwt.	0	3
	Pipes drain under 3 inches diameter	per 1,000	0	6
	„ above	per 1,000	0	9
	„ collars	per 1,000	0	3

Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
Pipes spigot and faucet clay glazed	per ton	1	0
NOTE.—Drain tiles and mugs one third less.			
Pipes tobacco	per cwt.	0	4
Provisions preserved all kinds	per cwt.	0	2
Rags and old ropes	per ton	2	0
Rice	per cwt.	0	2
Ropes all kinds	per ton	2	6
Rosin	per ton	2	6
Saddlery all kinds	per cwt.	0	3
Salt in bulk	per ton	0	9
„ rock	per ton	0	9
„ saltpetre and Glauber salt	per ton	3	4
„ in barrel including dues of barrel	per ton	1	4
Salmon	per cwt.	0	6
Seed viz.:—			
Rape and flax	per cwt.	0	1
Clover	per cwt.	0	3
Rye grass	per ton	3	4
Shoes of all kinds	per ton	3	0
Sheepskins with wool	per cwt.	0	3
„ pelts	per cwt.	0	2
Slates large	per 1,000	1	4
„ sizeable	per 1,000	0	10
„ small	per 1,000	0	6
Snuff	per cwt.	0	6
Soap	per ton	2	0
Soda	per ton	1	6
Spades or shovels	per dozen	0	1
Spirits of all kinds	per 54 gallons	1	4
Starch	per cwt.	0	3
Steel	per ton	3	0
Straw	per ton	1	0
Stones viz.:—			
Freestone building	per ton	0	5
Polished granite	per ton	2	6
Causeway granite	per ton	0	3
Kerb pavement and building	per ton	0	5
Rubble and chips	per ton	0	2
Rigging stones	per 100 running feet	1	6
Flagstones	per ton	0	9
Gravestones	each	3	0
Marble	per ton	3	0
Scythe stones	per cwt.	0	2
Grindstones	each	0	4
Millstones	each	0	6
All other descriptions except flint	per ton	1	0
Stucco	per ton	1	8
Sugar all kinds	per ton	1	8
Stoneware all kinds	per cwt.	0	2
Tallow	per ton	2	0
Tanners' waste	per ton	1	0

Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
Tar coal	per 39 gallons	0	1
„ Archangel	per 26½ gallons	0	2
Tea	per cwt.	0	6
Tiles roofing	per 1,000	1	0
Tin of all kinds	per ton	2	0
„ plates	per ton	2	0
Tobacco in leaf	per cwt.	0	2¼
„ manufactured	per 100 lbs.	0	4½
„ stalks	per cwt.	0	3
Tongues smoked	per dozen	0	1½
„ pickled	per cwt.	0	4
Toys	per cwt.	0	3
Tree nails	per 1,000	1	6
Turnery	per 10*l.* value	0	10
Turnips	per ton	0	6
Twine	per cwt.	0	3
Tow all kinds	per ton	1	6
Vases or sculptured marble	per cwt.	0	3
Vinegar	per 54 gallons	1	0
Vitriol	per gallon	0	0½
Varnish	per cwt.	0	2
Veneers all kinds	per cwt.	0	4
Vegetables	per ton	0	6
Whalebone or whale fins	per ton	3	4
Wheels coach carriage or cart	per pair	0	9
Whitening	per ton	0	10
Willow reeds	per cwt.	0	2
Wine	per 54 gallons	1	6
„ bottled	per gross	1	0
Wood:—			
Herring barrel billets	per ton	1	0
„ „ „	or per 50 superficial feet.	0	9
„ „ staves	per 1,000 superficial feet.	1	2
All other kinds not enumerated	per 1*l.* value	0	4
Wool	per ton	3	4
Yarn, viz.:—			
Lint and cotton	per ton	4	6
Tow	per ton	3	4
Hemp	per ton	3	6
Worsted	per ton	4	6
Zinc	per ton	2	0
All goods or articles not enumerated in the foregoing schedule	per cwt.	0	2

NOTES WITH REFERENCE TO THE FOREGOING SCHEDULE.

1. All empty boxes barrels sacks and packages returned to the original shipper within three months from date of import are exempted from rates.

A.D. 1895.

Whitehills.

2. All goods landed from any vessel and reshipped in the same or another vessel in the original packages and without being transferred from the lander or if the said goods have been put into other packages from the original packages having been destroyed or damaged shall only pay rates on landing and may be reshipped in the same or another vessel upon her departure outwards without paying rates again.

3. The personal luggage of each passenger landing from any vessel within the harbour not exceeding two hundredweight in weight shall be exempted from rates.

4. If any goods for which rates shall have been paid when loaded shall from any accident or otherwise be unloaded no rates shall be charged a second time for such goods on being reloaded.

5. Goods of all descriptions rated by weight shall be charged according to gross weight fractional parts of any weight measure number or value shall be charged proportionately and the minimum charge for a single package shall be one penny.

IV. Rates for the use of Sheds Cranes and Weighing Machines Warps &c.

1. *Sheds.*

For each ton of goods which shall remain in any shed or on any quay or pier for a longer time than 24 hours the sum of 3*d.* and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 24 hours.

2. *Cranes.*

	s.	*d.*
All goods or packages not exceeding 1 ton	0	3
Exceeding 1 ton and not exceeding 2 tons	0	4
Exceeding 2 tons and not exceeding 3 tons	0	6
„ 3 „ „ 4 „	0	8
„ 4 „ „ 5 „	0	10
„ 5 „ „ 6 „	1	0
„ 6 „ „ 7 „	1	2
„ 7 „ „ 8 „	1	4
„ 8 „ „ 9 „	1	8
„ 9 „ „ 10 „	2	0
Exceeding 10 tons	3	0

3. *Weighing Machines.*

For potatoes salt and coals each ton or part of a ton	0	4
Goods in quantities of 20 tons and upwards of same cargo per ton	0	3
Other goods per ton or part of a ton	0	6

4. *Warps or Planks.*

Harbour warps all vessels per registered ton	0	0¼
„ planks long per pair	3	0
„ „ short, „	1	0

The long planks to be paid for by vessel and short planks by merchant.

5. Water Money.

	s.	d.
For each 25 gallons or part thereof supplied - - - -	0	1½

6. Harbour Lights.

For every ship under 50 tons register each - - -	1	0
„ „ „ 100 tons register each - - - -	2	0
„ „ 100 tons register or above each - - -	2	6

But rates for lights shall only be demanded and received so long as a light or lights are duly exhibited during the proper hours.

7. Beaching Ground.

For every boat beached or laid up on ground provided for the purpose by the Commissioners payable in advance per season not exceeding 30 tons register each - - - - -	7	6
Exceeding 30 tons register each - - - - -	10	0

Pier and Harbour Provisional Orders (No. 2)

A

B I L L

TO

Confirm certain Provisional Orders made b the Board of Trade under the Gener Pier and Harbour Act 1861 relating t Banff Bognor Dunoon Swanage an Whitehills.

(*Prepared and brought in by Sir Walter Foster and Mr. Shaw-Lefevre.*)

Ordered, by The House of Commons, *to be Printed,* 6 *May* 1895.

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[Bill 226.]

A

B I L L

TO

Confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Blacksness. A.D. 1895.

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas it is expedient that the Provisional Order made by the Board of Trade under the said Act and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Order set out in the schedule to this Act shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the *passing of this Act* have full validity and force. Confirmation of Order in schedule.

2. This Act may be cited as the Pier and Harbour Order Confirmation (No. 3) Act 1895. Short title.

A.D. 1895.

SCHEDULE.

Blacksness.

BLACKSNESS.

Order for the extension improvement maintenance and regulation of Blacksness Pier at the Harbour of Scalloway in the parish of Tingwall and county of Zetland.

Undertakers.

1. Arthur James Hay esquire proprietor of the lands and estate of Hayfield in the county of Zetland and his heirs and assignees shall be the Undertakers for carrying this Order into effect and shall have and may exercise the powers privileges and authorities conferred by this Order.

Limits of Order.

2. The limits within which the Undertakers shall except for the purpose of levying rates have authority shall comprise the existing pier at Blacksness and the works by this Order authorised and the area below high-water mark lying within a distance of one hundred feet from any part of the works authorised by this Order and the limits within which the power to levy rates extends shall comprise the existing pier and the works authorised by this Order.

Saving as to passing vessels &c.

3. Save in so far as the construction of the works by this Order authorised may have such effect the powers of the Undertakers or of the pier master under this Order or any byelaws made thereunder or under the Harbours Docks and Piers Clauses Act 1847 shall not be exercised so as to prevent obstruct or in any way interfere with free navigation for all vessels or boats proceeding to or from any existing pier or landing place in the bay or harbour of Scalloway.

Power to take lands by agreement.

4. For the purposes of the works authorised by this Order the Undertakers may from time to time appropriate or by agreement enter upon take and use all or any part of the lands shown upon the deposited plan which may be required for the purposes of this Order.

Power to execute works.

5. Subject to the provisions of this Order and subject also to such alterations (if any) in the deposited plan and sections as the Board of Trade may require from time to time before the completion of the works in order to prevent injury to navigation the Undertakers may on the lands belonging to them or which may be acquired under this Order and in the lines and situation and according to the levels and within the limits of deviation shown on the deposited plan and sections make and maintain the works authorised by this Order.

6. The works authorised by this Order comprise :—

Description of works.

(1) An extension of the existing pier belonging to the Undertakers at Blacksness on the south-eastern shore of the harbour of Scalloway commencing at a point on the said pier forty-three yards or thereabouts measured in a westerly direction from the south-east corner thereof and proceeding thence in a southerly direction for a distance of three yards or thereabouts thence in a westerly direction for a distance of thirty-seven yards or thereabouts thence in a northerly direction for a distance of ten yards or

thereabouts and thence in an easterly direction for a distance of sixteen yards or thereabouts and there terminating at a point on the west side of the said pier at or near the south-west corner thereof The said extension will be solid throughout ;

(2) A heightening and improvement of the said existing pier throughout its entire breadth from east to west at the southern or seaward end thereof extending northwards from the southern extremity or face of the said existing pier for a distance of twenty-five yards or thereabouts ;

which works above described will be situate in the parish of Tingwall and county of Zetland and on the foreshore thereof and in the bed of the sea adjacent thereto.

Power to deviate.

7. Subject to the provisions of this Order the Undertakers with the consent of the Board of Trade may deviate laterally from the lines of the works authorised by this Order to any extent not exceeding ten feet and may deviate vertically from the levels defined on the deposited sections to any extent not exceeding five feet.

Power to maintain and improve works.

8. Subject to the provisions of this Order the Undertakers may in connexion with the works authorised by this Order and for the accommodation of vessels and of traffic landed at or embarked from the same make lay down improve and maintain all necessary embankments walls approach roads jetties wharves warehouses sheds offices cranes mooring buoys lights water pipes and other works and conveniences.

Consent of Board of Trade to certain works.

9. Any works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade having been first obtained and shall be executed only in manner approved by the Board of Trade.

Penalty for obstructing works.

10. Every person who wilfully obstructs any person acting under the authority of the Undertakers in setting out the lines of the works by this Order authorised or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works or any part thereof or who defaces or destroys the said works or any part thereof shall for every such offence be liable to a penalty not exceeding five pounds.

Power to levy rates.

11. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary for the due execution of the works authorised by this Order have been given the Undertakers may subject and according to the provisions of this Order for the use of the pier and works and conveniences connected therewith authorised by this Order demand receive and recover in respect of vessels boats goods animals fish and things and of services rendered described in the schedule to this Order any sums not exceeding the several rates specified in the said schedule Provided that any person who can prove a legal prescriptive right to the free use of the existing pier shall be exempt from all dues in respect of such pier.

Rates may be levied though works not completed.

12. When and so soon as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade and paid by the Undertakers that the pier and works authorised by this Order are so far completed as to afford increased accommodation for

A.D. 1895. *Blacksness.*

traffic by means of such works the Undertakers may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of such pier and works shall not then have been completed demand recover and receive such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as shall in the opinion of the Board of Trade be commensurate with the accommodation afforded.

Rates for use of warehouses &c.

13. The Undertakers may demand and receive such rates or other consideration as they may think reasonable for the use of any warehouses offices sheds buildings weighing machines cranes yards works and conveniences belonging to the Undertakers for the use of which rates are not specified in the schedule to this Order.

Ballast for vessels.

14. The Undertakers may supply and remove ballast for the accommodation of vessels on payment to the Undertakers of such rates as they shall deem proper not exceeding the rates specified in the schedule to this Order.

Power to exempt from and compound for rates.

15. The Undertakers may from time to time confer vary or extinguish exemptions from and compound with any person or persons with respect to the payment of rates authorised by this Order but so that no preference be in any case given and that anything done under this section shall not prejudice the other provisions of this Order.

Existing rates to cease when new rates are leviable.

16. When and so soon as the Undertakers are entitled to demand and take all or any part of the rates specified in the schedule to this Order all other rates tolls dues or duties shall cease to be demanded in respect of the pier and works or conveniences connected therewith but without prejudice to the right of the Undertakers to recover any money actually and legally due at the time of cesser and all exemptions from payment of rates tolls dues or duties shall cease to be operative.

Board of Trade may reduce rates.

17. If at any time and from time to time the clear annual income derived from the works authorised by this Order on the average of the then three last preceding years after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed shall exceed interest at the rate of ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing the works authorised by this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per centum per annum and the rates shall thereupon be reduced accordingly but with power to the Board of Trade at any time and from time to time to raise the rates again to any amounts not exceeding those specified in the schedule to this Order.

Annual account to be sent to the Board of Trade.

18. The Undertakers shall within one month after sending to the sheriff clerk a copy of their annual account in abstract (which account shall be made up to the end of the day on the twenty-fifth day of March in each year) send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account If the Undertakers refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

A.D. 1895.

Blacksness.

19. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the pier and works and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Certain fishing vessels under stress of weather exempt from rates.

20. The Secretary for Scotland and any person or persons deputed by him and officers of the Board of Trade and of the Fishery Board for Scotland being in the execution of their duty shall at all times have free ingress passage and egress to on along and from the pier and works by land and with their vessels and otherwise without payment.

Certain officers exempt from rates.

21. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to on along and from the pier and works without payment.

Lifeboat crew exempt from rates.

22. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily and from time to time without payment attach or cause to be attached to any part of the pier or works spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier and works.

Apparatus for saving life may be attached to pier.

23. The Undertakers may from time to time borrow and reborrow at interest such money as may be required for the purposes of this Order not exceeding in the whole the sum of three thousand pounds on the security of the rates dues and charges authorised by this Order and they may accept and take from any bank or banking company credit to such amount as they may deem expedient on a cash account to be opened and kept in the names of the Undertakers according to the usage of bankers in Scotland but so that the whole sum owing by the Undertakers on such cash account and for other money borrowed and for the time being unpaid shall not exceed in the whole the sum of three thousand pounds exclusive of interest and may assign the rates dues and charges hereby authorised in security for the repayment of the sum or sums so borrowed or of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon respectively.

Power to borrow.

24. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by this Order to which capital money is properly applicable.

Application of money borrowed.

25. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor.

For appointment of a judicial factor.

In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than three hundred pounds in the whole.

A.D. 1895. *Blacksness.*

Sections eighty-six and eighty-seven of the Commissioners Clauses Act 1847 shall be and the same are hereby incorporated with this Order and in such sections as so incorporated the expression "the Commissioners" shall mean "the Undertakers" and the expression "receiver" shall mean "judicial factor."

Application of rates received.

26. The rates dues and charges received by the Undertakers under this Order shall be applied for the purposes and in the order following and not otherwise (that is to say) :—

(1) In paying the costs charges and expenses of or connected with the preparation obtaining and making of this Order or otherwise incurred in relation thereto ;

(2) In paying the expenses of the maintenance repair management and regulation of the pier and works authorised by this Order and the other necessary expenses incurred in relation to the pier and works including the cost of borrowing under this Order ;

(3) In paying year by year the interest and any instalments of principal due in respect of money borrowed under this Order ;

(4) The surplus revenue if any after providing for the purposes aforesaid shall belong to the Undertakers for their own use.

Portions of Harbours &c. Clauses Act excepted.

27. The following sections of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order namely sixteen to nineteen twenty-one to twenty-three thirty-four to forty-six and forty-eight but the Undertakers shall at their own expense when required by the Board of Trade provide to the satisfaction of the Board of Trade a site near the pier for a house and for other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus and shall be liable to a penalty not exceeding ten pounds for every month during which they omit to provide such site after being required so to do by the Board of Trade.

Power to make byelaws.

28. The Undertakers may make byelaws for the regulation and control of vessels and boats within the limits of this Order and for the regulation and control of the fishermen and other persons and goods ballast and traffic on and at the pier and works authorised by this Order but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade which shall be sufficient for all purposes.

Vessels not to anchor within certain limits.

29. No vessel or boat shall anchor within the limits of this Order without the consent of the Undertakers or their pier-master.

Vessels not to moor alongside pier without consent.

30. No vessel or boat except steamboats or pleasure boats embarking or disembarking passengers and their luggage shall be moored alongside the pier without the consent of the Undertakers or their pier-master.

Meters and weighers.

31. The Undertakers shall have the appointment of meters and weighers within the limits of this Order.

Life-buoy and line to be kept.

32. The Undertakers shall at all times keep at the outer extremity of the pier a life-buoy and line in good order and fit and ready for use.

Undertakers to be Local Authority.

33. Within the limits of this Order the Undertakers shall be a local authority within the meaning of the Merchant Shipping Act 1894 and shall have all the powers conferred by that Act on local authorities.

Temporary lights on works.

34. Before commencing the works authorised by this Order the Undertakers shall apply to the Board of Trade for directions as to the lights (if any) to be

exhibited and shall in all respects obey any directions given upon such application or afterwards from time to time given as to lights by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in lieu of every other statutory requirement as to lights during the construction of the works and the Undertakers shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to observe any direction so given.

As to lights after completion of works.

35. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Undertakers shall at the outer extremity of the pier or the completed portions thereof or in such other place or places (if any) as may be required exhibit for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such light or lights (if any) as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to lighting and the Undertakers shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to observe any direction given.

Provision against danger to navigation.

36. In case of injury to or destruction or decay of the pier or works or any part thereof the Undertakers shall lay down such buoys exhibit such lights or take such other means for preventing as far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to the means to be taken and the Undertakers shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to observe any such direction.

Powers to cease in certain events.

37.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced the powers by this Order given for executing such works or otherwise in relation thereto shall cease unless the time for commencement be extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order after having been substantially commenced shall be virtually suspended for twelve consecutive months the powers by this Order given for executing such works or otherwise in relation thereto shall cease except as to so much of such works as shall be then completed unless such powers shall by the special direction of the Board of Trade be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

Saving rights under Crown Lands Act.

38. This Order shall not be taken as a consent to the surrender of any rights interests powers authorities or privileges transferred to the management of the Board of Trade by the Crown Lands Act 1866 nor shall any works under this Order be commenced within the limits affected by any such rights interests powers authorities or privileges without the assent of the Board of Trade having been first obtained.

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Blacksness.

Saving rights of Crown under Crown Lands Act.

39. Nothing contained in this Order or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or excerciseable on behalf of Her Majesty her heirs or successors.

Costs of Order.

40. All costs charges and expenses of or incident to preparing and obtaining this Order or otherwise incurred in relation thereto shall be paid by the Undertakers.

Short title.

41. This Order may be cited as the Blacksness (Scalloway) Pier Order 1895.

The SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels (other than Fishing Vessels) Anchoring or Mooring at the Pier or Works.

	s.	*d.*
For every vessel under 15 tons per ton	0	4
For every vessel of 15 tons and under 50 tons per registered ton	0	6
For every vessel of 50 tons and under 150 tons per registered ton	0	8
For every vessel of 150 tons and upwards per registered ton	0	10

But if the vessels of the owner or owners of any steam or other vessels engaged in a regular trade to or from the harbour shall collectively make in any one year from January to December inclusive 40 or more voyages to the harbour no rates shall be leviable on any additional voyages made by such vessels within such year.

All ships' boats and boats with fresh fish except herrings for curing carrying no other cargo nor any passenger shall be exempt from rates.

All boats entirely open landing or taking on board goods or live stock or dried or salted fish each	0	6

II.—Rates on Fishing Vessels Anchoring or Mooring at the Pier or Works.

	£	*s.*	*d.*
For every boat engaged in the herring fishery for the period of the fishing season payable in advance	1	5	0
Or per month in advance	0	5	0

But the first payment to be for not less than two months.

For every such boat not compounding as above loading or unloading herrings at the pier each time	0	2	6
For each fishing boat engaged in fishing other than a herring boat for the fishing season payable in advance—			
With not fewer than five hands	0	10	0
With fewer than five hands	0	5	0
For every such boat not compounding as above each time	0	3	0

Note.—The fishing season shall from time to time be fixed by the Undertakers and notice thereof shall be posted in some conspicuous place at the pier.

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Blacksness.

III.—Rates on Goods shipped transhipped unshipped or landed at the Pier or Works.

		s.	d.
	Ale beer or porter per 54 gallons	0	6
5	Ale or beer bottled per 5 cubic feet	0	3
	Bacon per ton	1	4
	Bark per ton	1	0
	Beef or pork per ton	1	4
	Ships' biscuits per ton	1	0
10	Blocks under 10 inches per dozen	0	3
	Blocks 10 inches and above per dozen	0	6
	Blubber per ton	1	0
	Boats each	1	0
	Bone dust per ton	1	4
15	Bones per ton	0	6
	Bottles per gross	0	2
	Bricks of all sorts per 1,000	1	0
	Brooms per dozen	0	1
	Butter per ton	1	4
20	Carriages four wheels each	2	6
	Carriages two wheels each	1	6
	Carts each	1	0
	Casks (empty) of 84 gallons capacity not being returned packages each	0	3
	Cattle:		
25	Bulls each	1	0
	Calves each	0	2
	Cows and oxen each of the native Shetland breed	0	4
	Do. do. any larger breed	0	9
	Horses each 14 hands and upwards	2	0
30	Do. under 14 hands	1	0
	Native ponies each	0	6
	Pigs each	0	4
	Sheep each	0	1½
	Lambs each	0	1½
35	Cement per ton	1	0
	Chalk per ton	0	8
	Cinders per ton	1	0
	Clay fire manufactured per ton	0	6
	Clay common per ton	0	2
40	Cloth haberdashery &c. per 2½ cwt.	0	2
	Coals per ton	0	6
	Copper per ton	1	4
	Corks per ton	2	6
	Corn:		
45	Wheat and malt per quarter	0	3
	Barley bere beans peas tares oats rye buckwheat and Indian corn per quarter	0	2
	Crystal per 2½ cwt.	0	3
	Dissolved bones and other artificial manures per ton	1	4

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Blacksness.

	s.	d.	
Dogs each	0	3	
Drugs per 5 cubic feet	0	3	
Earthenware do.	0	2	
Eggs per 2½ cwt.	0	2	5
Empty herring barrels each	0	0½	
Feathers per 5 cubic feet	0	2	
Fish dried or salted per ton	0	10	
Fish in pickle and undried per ton	0	6	
Fish fresh per ton	1	8	10
Flax and tow per ton	1	4	
Flour per ton	1	4	
Fruit and vegetables per 2½ cwt.	0	4	
Geese alive each	0	0½	
Glass (window and plate) per ton	2	0	15
Grass seeds per quarter	0	2	
Grocery goods not mentioned specially per 5 cubic feet	0	3	
Guano and other manures per ton	1	4	
Gunpowder per 100 lbs.	1	0	
Do. Government stores per ton	1	8	20
Hardware per ton	1	4	
Hares and rabbits per 5 cubic feet	0	3	
Any less quantity	0	1	
Harrows per pair	0	4	
Hay per ton	1	0	25
Hemp per ton	1	4	
Herrings fresh per 37½ gallons	0	1	
Herrings cured per 26⅔ gallons	0	2	
Hides—			
Ox cow or horse salted or dried per ton	1	8	30
Sheep lamb and calves skins per ton	1	8	
Hooks reaping per dozen	0	2	
Hoops of wood per 28 lbs	0	0½	
Household furniture new per 5 cubic feet	0	2	
Household furniture belonging to parties changing their residence only per ton	0	6	35
Husbandry utensils not enumerated per ton	1	4	
Iron bolt bar rod or hoop per ton	1	0	
Iron manufactured per ton	1	4	
Iron old or pig per ton	0	8	40
Kelp per ton	0	8	
Lead of all kinds per ton	1	4	
Leather per ton	1	8	
Lime per ton	0	6	
Limestone per ton	0	3	45
Lobsters and crabs per 5 cubic feet	0	3	
Machinery per ton	1	4	
Machinery finished and in cases per ton	1	8	

		s.	d.
	Meal per ton	1	4
	Musical instruments per 5 cubic feet	0	3
	Oakum per ton	1	0
5	Oilcake per ton	1	4
	Oils per ton	1	8
	Ores:		
	Copper iron lead and other ores per ton	0	8
	Paints per ton	1	4
10	Peats per ton	0	3
	Pitch per cwt.	0	2
	Ploughs each	0	6
	Potatoes per ton	1	4
	Pots pans and kettles and hollow ware per ton	2	0
15	Rags and old rope per ton	1	4
	Rape cake per ton	0	8
	Ropes and cordage per ton	1	4
	Salt per ton	0	10
	Salt for curing not under 10 tons per ton	0	4
20	Scythes per dozen	0	3
	Seeds clover and turnip per ton	2	0
	Seeds all other kinds per ton	1	4
	Shell fish not specially mentioned per ton	0	10
	Slates under size per 1,000	0	6
25	Slates sizeable per 1,000	0	10
	Slates over size per 1,000	1	4
	Soap per ton	0	10
	Spades and shovels per dozen	0	3
	Spirits per 5 cubic feet in casks and cases	0	3
30	Spokes and felloes per 100	0	6
	Stones:		
	Rubble per ton	0	2
	Hewn ashlar freestone per ton	0	4
	Rough ashlar freestone per ton	0	3
35	Pavement per ton	0	4
	Mill stones each	2	0
	Steel per ton	1	4
	Stucco per ton	0	10
	Sugar per ton	1	4
40	Tar per cwt.	0	2
	Tea per 40 lbs.	0	3
	Tiles roofing per 1,000	1	0
	Tiles or pipes for draining per 1,000	1	0
	Tin of all kinds per ton	1	4
45	Treenails under 2 feet in length per 1,000	0	6
	Treenails exceeding 2 feet in length per 1,000	1	0
	Turnips per ton	1	0
	Turpentine per ton	1	8

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Blacksness

	s.	d.
Vitriol per 10 gallons	0	6
Whalebone per ton	2	6
Whitening per ton	0	6
Wine in casks or cases per 54 gallons	0	3
Wood :		
Fir pine per 50 cubic feet as follows :		
Hewn logs	0	3
Battens	0	6
Boards and planks	1	0
Oak or wainscot per 50 cubic feet	1	0
Firewood per 216 cubic feet	0	6
Lath and lathwood per 216 cubic feet	2	6
Handspokes per 120	0	10
Oars per 120	2	6
Spars under 22 feet in length above 2½ and under 4 inches diameter per 120	2	6
Spars 2½ inches diameter and under per 120	1	4
Spars 22 feet in length and upwards and not exceeding 4 inches in diameter per 120	6	6
Spars of all lengths above 4 and under 6 inches in diameter per 120	12	0
Spokes of wheels not exceeding 2 feet in length per 120	0	4
Spokes of wheels exceeding 2 feet in length per 120	0	6
Wedges per 1,000	1	0
Pipe staves and others in proportion per 100	1	0
Lignum vitæ fustic logwood mahogany and rosewood per ton	1	4
All other kinds:—		
Rough per ton	0	10
Dressed „	1	4
Wool per cwt.	0	2
Zinc per ton	1	4
All other goods not particularly enumerated in the above table :		
Light goods per 5 cubic feet	0	2
Heavy goods per ton	1	4

In charging the rates on goods the gross weight or measurement of all goods to be taken and for any less weights measures and quantities than those above specified a proportion of the respective rates shall be charged.

IV.—Rates for the use of Cranes Weighing Machines Warehouses Wharves Cattle Yards Mooring Anchors Lights and Ballast.

1.—*Craneage.*

	s.	d.
All goods or packages not exceeding 1 ton	0	3
Exceeding 1 ton and not exceeding 2 tons	0	4
„ 2 tons and not exceeding 3 tons	0	6
„ 3 „ „ 4 „	0	8
„ 4 „ „ 5 „	0	10
„ 5 „ „ 6 „	1	0

		s.	d.
Exceeding 6 tons and not exceeding 7 tons	- - - -	1	2
„ 7 „ „ 8 „	- - -	1	4
„ 8 „ „ 9 „	- - - -	1	8
„ 9 „ „ 10 „	- - -	2	0
„ 10 tons and upwards	- - - - -	3	0

2.—*Weighing Machines.*

For goods weighed for each ton or part of a ton	- - -	0	2

3.—*Warehouses and Wharves.*

For every ton of goods which shall remain in any warehouse or shed or on any wharf not more than two days	- - - -	0	4
And for every part of a day after such two days	- - -	0	1½

4.—*Cattle Yards.*

For cattle each per day	- - - - -	0	1½
For horses each per day	- - - - -	0	1
For pigs each per day	- - - - - -	0	0½
For sheep each per day	- - - - -	0	0½

5.—*Mooring Anchors Lights and Ballast Charges.*

For every vessel made fast to mooring anchors	- - -	1	0
All vessels above 20 tons register using the pier or works per ship or vessel for light dues	- - - - - -	1	0
For ballast supplied to any vessel per ton	- - - -	2	0
For ballast put out of any ship or vessel per ton	- - -	1	0

But light dues shall not be exigible on or in respect of vessels under 20 tons.

Dues for lights shall only be demanded and received during so long as a light or lights are duly exhibited.

Pier and Harbour Provisional Order (No. 3).

A

B I L L

To confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Blacksness.

(*Prepared and brought in by Mr. Burt and Mr. Bryce.*)

Ordered, by the House of Commons, *to be Printed*, 20 *May* 1895.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 2d.*]

[Bill 257.]

A

B I L L

TO

Confirm a Provisional Order made by the Board of Trade under the Merchant Shipping Act 1894 relating to the London and English Channel Pilotage Districts. A.D. 1895.

WHEREAS a Provisional Order made by the Board of Trade under the Merchant Shipping Act 1894 does not take effect unless and until it is confirmed by Act of Parliament: 57 & 58 Vict. c. 60.

And whereas it is expedient that the Provisional Order made by the Board of Trade under the said Act and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Order set out in the schedule to this Act shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act take effect and have full validity and force. Confirmation of Order in schedule.

2. This Act may be cited as the Pilotage Order Confirmation Act 1895. Short title.

A.D. 1895.

SCHEDULE.

London and Channel.

LONDON AND CHANNEL.

Order providing for the Representation of Pilots and Shipowners on the Pilotage Committee of the Pilotage Authority of the London District and the English Channel District.

Short title.

1. This Order may be cited as the London and Channel Pilotage Order 1895.

Interpretation.

2. In this Order the following expressions have the meanings assigned to them respectively :—

"Trinity House" means the Master Wardens and Assistants of the Guild Fraternity or Brotherhood of the Most Glorious and Undivided Trinity and of St. Clement in the Parish of Deptford Strond in the County of Kent commonly called the Corporation of the Trinity House of Deptford Strond.

"Pilotage committee" means any committee appointed by the Trinity House for exercising their jurisdiction or any of their powers as a pilotage authority within the London district and the English Channel district as defined by section 618 of the Merchant Shipping Act 1894 or either of such districts and includes any body or persons to whom such jurisdiction or powers may for the time being be deputed.

"Licensed pilot" means a pilot appointed and licensed by the Trinity House for the purpose of conducting ships within the limits of the aforesaid London district and the aforesaid English Channel district or in any area within those limits but does not include a master or mate holding a certificate under section 599 or section 600 of the Merchant Shipping Act 1894.

"Shipowner" means any person or firm or partnership or any duly incorporated company whose name appears on the final list of shipowners made out under the Thames Conservancy Act 1894 and for the time being in force.

Pilots and shipowners each to elect a representative on pilotage committee.

3. In the year 1895 and in each subsequent year the licensed pilots and the shipowners may and shall in manner herein-after in this Order provided each elect one person (herein-after respectively referred to as "pilots' representative" and "shipowners' representative") to serve upon the pilotage committee and each person so elected shall and may serve and act accordingly in like manner as other members of the pilotage committee.

Representatives to be increased in proportion to increase of pilotage committee.

4. If and whenever the number of members of the pilotage committee appointed by the Trinity House shall be increased so as to exceed four the licensed pilots and the shipowners may in manner herein-after in this Order provided each elect an additional representative or additional representatives to serve and act as aforesaid so that the number of members of the pilotage committee who are pilots' representatives and shipowners' representatives shall not together be less than and shall be maintained as nearly as may be at one-third

of the total number for the time being of the members of that committee and every additional representative shall and may serve and act in like manner as a representative elected pursuant to the last preceding section of this Order.

Meetings for election of pilots' representatives.

5. Every pilots' representative to be elected as aforesaid is to be a licensed pilot or a person who has been a licensed pilot. The meeting for election of pilots' representatives shall take place on or within seven days after the first day of December in each year at a time and place to be fixed by the town clerk of the city of London and advertised by him ten days at least or in his default by a person to be appointed for the purpose by the Board of Trade five days at least before the day appointed for such meeting in one or more of the newspapers published and circulating in the city of London.

Rules for election of pilots' representatives.

6. With respect to the election of the pilots' representative or representatives the following provisions shall have effect that is to say :—

(1.) The Lord Mayor of London for the time being or a person nominated by him shall be the chairman of the meeting and the returning officer.

(2.) Every licensed pilot shall be entitled to attend the meeting and take part and vote in the election of the pilots' representative or representatives thereat.

(3.) Every candidate for the office of pilots' representative shall at such meeting be nominated and seconded by licensed pilots and if the number of persons so nominated does not exceed the number of persons to be elected the person or persons so nominated shall be deemed to be duly elected but if the number of persons nominated exceeds the number to be elected the election shall be decided by the majority of votes.

(4.) Every licensed pilot present or represented at any election is to be entitled to as many votes as there are persons to be elected but is not to give more than one vote for any one candidate.

(5.) Any licensed pilot not present at any election may by writing under his hand appoint another licensed pilot as proxy to represent him provided that all instruments in writing appointing such proxy shall be lodged with the town clerk of the city of London not less than forty-eight hours before the time appointed for the meeting.

(6.) In the event of two or more candidates at any election having the same number of votes the chairman of the meeting shall have a casting vote at such election.

(7.) The chairman of the meeting as soon as may be after the election shall according to the best of his judgment and ability truly certify in writing to the Secretary to the Trinity House the name or names of the person or persons elected and every person so certified to be elected shall be deemed duly elected.

Rules for election of shipowners' representatives.

7. With respect to the election of the shipowners' representative or representatives the following provisions shall have effect that is to say :—

(1.) A print of the final list for the time being in force of shipowners made out under the Thames Conservancy Act 1894 issued by the Thames Conservators signed by the town clerk of the city of London shall be sufficient evidence that the persons named therein are entitled to take part and vote in the election in that year of the shipowners' representative or representatives under this Order and a copy of such list shall after the fifteenth day of November and until the day of election be open to public

A.D. 1895.

London and Channel.

inspection without any fee at the office of the said town clerk between the hours of ten o'clock in the forenoon and four o'clock in the afternoon.

(2.) No person shall be entitled to attend any meeting for the election of shipowners' representatives or be elected as a shipowners' representative unless he is a male person of full age whose name appears upon the said list or who is a member of the board of directors or other governing body of a body corporate or member of a partnership body whose name appears therein.

(3.) Every candidate for the office of shipowners' representative shall before the fifteenth day of November immediately preceding such election give notice of his intention to be a candidate at such election by writing under his hand delivered at the office of the town clerk of the city of London.

(4.) If the number of candidates for the office of shipowners' representative does not exceed the number of persons to be elected such candidate or candidates shall be deemed duly elected and the said town clerk shall before the tenth day of December certify in writing to the Secretary to the Trinity House the names of such candidates so elected but if the number of candidates exceeds the number to be elected a meeting for election shall be held as herein-after provided.

(5.) The said town clerk shall before such meeting publish once at least in two newspapers usually circulating among shipowners in the city of London the names of the persons who have given notice as aforesaid of intention to be candidates at such election seven clear days at least before the day appointed for the election.

(6.) Every such meeting for election shall be held on or within seven days after the first day of December and the day hour and place at which such meeting is to be held shall be appointed by the said town clerk and notice of such appointment shall be published by him not less than fourteen or more than twenty-one days before the date appointed for the meeting.

(7.) Every person entitled to attend and attending the meeting is to have as many votes as there are persons to be elected but is not to give more than one vote for any one candidate and the election shall be decided by the majority of votes.

(8.) The Lord Mayor of London for the time being or some person nominated by him shall be chairman of the meeting and returning officer and in case of an equality of votes the chairman of the meeting shall have a casting vote.

(9.) The chairman of the meeting as soon as may be after the election and before the tenth day of December shall certify in writing to the secretary to the Trinity House according to the best of his judgment and ability the name or names of the person or persons elected and every person so certified to be elected shall be deemed duly elected.

(10.) A vote at any election may be given either by the shipowner personally or by another shipowner as his proxy or in the case of a body corporate by any shareholder or officer of the body as their proxy.

The appointment of the proxy shall be made by an instrument in writing and the appointor may nominate two or more persons as proxies in the alternative and every such proxy shall bear date the day of its execution and be signed by the appointor or if the appointor is a body corporate sealed with their common seal.

The instrument appointing a proxy shall not be used at any election unless it has been deposited at the office of the said town clerk not less than

forty-eight hours before the time appointed for the election of shipowners' representatives.

Any such instrument shall not be valid except for the election next after the date of its execution.

Term of office.

8. A pilots' representative and a shipowners' representative shall come into office on the tenth day of December in the year in which they are elected and shall remain in office until the tenth day of December next succeeding their election and shall then go out of office but shall be eligible for re-election.

Provision for failure to elect or casual vacancy.

9. In case any election of pilots' representatives or shipowners' representatives is prevented from being held in conformity with this Order or in case by any cause there is a failure in any year to elect any pilots' representatives or to elect any shipowners' representatives or in case of any vacancy occurring in the pilots' representatives or the shipowners' representatives respectively otherwise than by effluxion of time the Board of Trade may appoint any duly qualified person or duly qualified persons to fill such vacancy and the person or persons so appointed shall continue in office as if he or they had been duly elected at the last preceding election of pilots' representatives or shipowners' representatives as the case may be.

Provision for appointment of additional representatives in case of increase of pilotage committee.

10. If owing to the increase of the number of members of the pilotage committee appointed by the Trinity House any additional pilots' representative or any additional shipowners' representative is required to act till the next election it shall be lawful for the pilots' representative or representatives and the shipowners' representative or representatives for the time being as the case may be by writing under hand or in case of default for one month then it shall be lawful for the Board of Trade to appoint any duly qualified person or persons to be such representative or representatives and the person or persons so appointed shall continue in office as if he or they had been duly elected at the last preceding election of pilots' representatives or shipowners' representatives as the case may be.

Vacancy not to affect power of body.

11. A vacancy in the office of a representative to be elected under this Order is not in any way to affect the proceedings or powers of the body of which he is so elected to be a member.

Representatives not to act in proceedings affecting them personally.

12. A pilots' representative or a shipowners' representative elected under this Order shall not take any part in any proceedings of the pilotage committee relating to any question affecting himself personally.

Costs of elections and Order.

13. The costs charges and expenses of and preliminary and incidental to elections of pilots' representatives under this Order shall be paid by the Trinity House out of the Trinity House Pilot Fund and the costs charges and expenses of and preliminary or incidental to the elections of shipowners' representatives and the costs charges and expenses of and preliminary and incidental to preparing for obtaining and passing this Order or otherwise in relation thereto including the confirmation thereof by Parliament shall be paid by the General Shipowners' Society of London.

Reserving general Acts.

14. Nothing in this Order shall exempt the Trinity House or the pilotage districts within their jurisdiction from the provisions of any general Act of Parliament now in force or hereafter to be passed relating to pilotage or pilotage dues or to merchant shipping or to ports harbours or docks or to dues on shipping or on goods carried therein or from any future revision and alteration thereof under the authority of Parliament.

Pilotage Provisional Order.

A

BILL

To confirm a Provisional Order made by the Board of Trade under the Merchant Shipping Act 1894 relating to the London and English Channel Pilotage Districts.

(*Prepared and brought in by Mr. Burt and Mr. Bryce.*)

Ordered, by The House of Commons, *to be Printed,* 14 *May* 1895.

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[*Price* 1*d.*]

[Bill 248.]

Pistols Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Restrictions on sale and purchase of pistols.
2. Licence to sell pistols.
3. Pistols not to be carried by persons under eighteen.
4. Prohibition of carrying loaded pistol in place of public resort.
5. Restriction on carrying of pistols by persons convicted of crime.
6. Power to search for pistols.
7. Restriction on importation of pistols.
8. Saving for wholesale traders and for sale of antique pistols.
9. Licence to be obtained from post office by present owners of pistols within one month of the passing of this Act.
10. Recovery of penalties.
11. Application to Scotland.
12. Application to Ireland.
13. Meaning of pistol.
14. Commencement of Act.
15. Short title.

A

B I L L,

TO

Regulate the Sale and Use of Pistols. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Restrictions on sale and purchase of pistols.

1.—(1.) A pistol may not be sold except by a person licensed under this Act to sell pistols.

(2.) A person may not sell a pistol unless the pistol has legibly and permanently marked thereon the name of the maker of the pistol, and some consecutive number of a series by which the pistol can be identified.

(3.) A pistol may not be sold to or bought by any person unless he is licensed to sell pistols or produces on the occasion of the sale either—

(*a*) a licence or certificate authorising him either to use or carry a gun or to kill game; or

(*b*) a statement signed by him that he is an officer in the naval, military, volunteer, or yeomanry service of Her Majesty; or

(*c*) a certificate from the Board of Trade, showing that he is a master or mate, or engineer, in the merchant service; or

(*d*) a statement signed by him that he is ordered abroad on the public service or is about to leave the United Kingdom for not less than *six months* within fourteen days from the date of the purchase; or

(*e*) in any other case a licence signed by a justice of the peace and authorising the licensee for reasons mentioned in the licence to buy a pistol at any time during such period not exceeding three months as may be specified in the licence.

(4.) A pistol, or ammunition suitable only for a pistol, may not be sold to a person apparently under the age of *eighteen years*, or bought by a person under that age.

(5.) On every sale of a pistol the seller must enter in a book kept by him the date of the sale, the name and address of the

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purchaser, and the name and number identifying the pistol, and must either cause this entry to be signed by the purchaser, or keep for production, if so required, an order signed by the purchaser.

(6.) Every seller of a pistol must retain the book so kept by him for a period of not less than *five years* from the date of the last entry therein, and must, while he retains the book, produce it for inspection by any officer of police or any officer of Inland Revenue on being so requested.

(7.) In the case of a buyer presenting a licence from a justice of the peace to purchase, the seller must endorse on the said licence the date of sale.

(8.) This section shall apply only in the case of the sale of a pistol by any person in the course of trade or business.

(9.) If any person—

(*a*) contravenes any of the foregoing provisions of this section; or

(*b*) on the sale of a pistol knowingly makes or causes to be made any false entry as to the date of the sale or the distinguishing mark on the pistol, or the name or address of the purchaser; or

(*c*) on the purchase of a pistol makes any false statement as to his name or address, or age; or as to any matter which he is required by this section to state; or

(*d*) wilfully alters, defaces, or obliterates any distinctive mark or trade mark on a pistol;

he shall be liable to a fine not exceeding *ten pounds*, and the pistol may be forfeited.

(10.) For the purposes of this section a person on whose behalf any sale is made by an apprentice or servant shall be deemed to be the seller, but such a person shall not be liable under this Act if he proves that he had taken all reasonable means to prevent the commission of an offence against this section.

Licence to sell pistols.

2.—(1.) A licence to sell pistols may be granted to any gunsmith, ironmonger, auctioneer, marine store dealer, or pawnbroker—

(*a*) if the licensee carries on business in a city or borough, by the council of the city or borough; and

(*b*) if the licensee carries on business in any other place, by the county council for the county in which that place is situate.

(2.) The licence shall be in a form prescribed by the Commissioners of Inland Revenue, and shall expire at the end of the calendar year in which it is granted.

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(3.) A fee not exceeding *one pound* shall be charged by the authority granting the licence, and the proceeds of such fees shall go to the borough or county fund, as the case may be.

Pistols not to be carried by persons under eighteen.

3.—(1.) A person under the age of *eighteen years* shall not possess, use, or carry a pistol.

(2.) If any person contravenes this section, he or she shall, without prejudice to any liability under the Gun Licence Act, 1870, be liable to a fine not exceeding *ten shillings* for the first offence, and not exceeding *five pounds* for every subsequent offence, and the pistol may be forfeited.

33 & 34 Vict. c. 57.

Prohibition of carrying loaded pistol in place of public resort.

4.—(1.) A person shall not carry a loaded pistol in any highway or other public place, whether a thoroughfare or not, without the permission in writing of a chief officer of police, and the permission shall state the reasons for which it is granted and the period during which it is to be in force.

(2.) Provided that this section shall not apply to any person in the naval, military, volunteer, or yeomanry service of Her Majesty, or in the constabulary or other police force, carrying any pistol in the performance of his duty, or when engaged in target practice, or to any person in charge of Her Majesty's mails and authorised by the Postmaster-General to carry a pistol.

(3.) If any person contravenes this section he shall be liable to a fine not exceeding *ten pounds*, or to imprisonment for a term not exceeding *one month*.

(4.) In this section the expression "chief officer of police" shall mean, as to England and Wales, the chief officer of police as defined in the Third Schedule to the Police Act, 1890.

53 & 54 Vict. c. 45.

Restriction on carrying of pistols by persons convicted of crime.

5.—(1.) A person sentenced to penal servitude for any crime of violence shall not thenceforward carry or use a pistol for a period of *five years* from the date of his release.

(2.) A person holding a licence granted under the Penal Servitude Acts, 1853 to 1891, or subject to the supervision of the police, shall not carry or use a pistol whilst he holds the licence or is so subject.

(3.) If any person contravenes this section he shall be liable to a fine not exceeding *ten pounds*, or to imprisonment for a term not exceeding *one month*.

Power to search for pistols. [*See* 25 & 26 Vict. c. 114.]

6. Any officer of police may search any person whom he he has good cause to suspect of carrying a pistol in contravention of this Act, and may seize and detain any pistol found on any such person.

Restriction on impor-

7.—(1.) Where a pistol is imported otherwise than as part of a wholesale consignment, the importer shall deliver to the examining

A.D. 1895.

tation of pistols.

officer or other proper officer of customs, a statement containing the name of the importer and his address or principal address in the United Kingdom, and such other particulars, if any, as the Commissioners may think fit to direct, with a view to the identification of the pistol or the importer.

(2.) A declaration of the truth of the matters contained in any statement delivered under this section shall be appended to the statement and signed by the importer.

(3.) If any importer of a pistol fails to comply with any of the requirements of this section he shall be liable to forfeit the sum of *one hundred pounds*, and the pistol shall be forfeited.

(4.) This section shall have effect as if it were part of the Customs Consolidation Act, 1876.

39 & 40 Vict. c. 36.

Saving for wholesale traders and for sale of antique pistols.

8. This Act shall not apply to—

(1.) the sale of pistols by wholesale dealers—

(*a*) for exportation; or

(*b*) in the ordinary course of wholesale dealing with persons licensed under this Act to sell pistols; or

(2.) the sale of a pistol by its owner to a person licensed under this Act to sell pistols; or

(3.) the sale of any antique pistol as a curiosity or as an ornament, or of any toy pistol.

Licence to be obtained from post office by present owners of pistols within one month of the passing of this Act.

9.—(1.) Every person who at the time of *the passing of this Act* is in possession of a pistol must within *one month* of the said date obtain from an officer of the post office a licence to possess such pistol; but such licence shall not be granted to any person who does not comply with the provisions set forth in sub-heads (*a*), (*c*), and (*d*) of sub-section (3) of section one of this Act.

(2.) A fee not exceeding *one shilling* may be charged by the postmaster issuing a certificate which shall be in such form as may be directed by the Postmaster-General, who shall cause a copy of this Act to be exhibited in every post office in the United Kingdom.

(3.) This section shall not apply to any person in the naval, military, volunteer, or yeomanry service of Her Majesty, or in the constabulary or other police force.

(4.) If any person contravenes this section he shall be liable to a fine not exceeding *one pound* without prejudice to any liability under the Gun Licence Act, 1870.

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Recovery of penalties.

10. Any fine or forfeiture imposed under the foregoing provisions of this Act may be either sued for and applied in the manner prescribed for the recovery and application of excise penalties or recovered and enforced on information of an officer of police before a court of summary jurisdiction, and any other punishment imposed under this Act may be imposed on summary conviction.

Application to Scotland.

11. In the application of this Act to Scotland the expression "court of summary jurisdiction" shall mean the sheriff or any magistrate or magistrates, by whatever name called, having jurisdiction or authorised to act under the Summary Jurisdiction (Scotland) Acts, and "borough" shall mean a royal, parliamentary, or police burgh, and "borough council" shall mean the provost and magistrates.

Application to Ireland.

12. In the application of this Act to Ireland the expression "police" shall include the Royal Irish Constabulary, and the following provisions shall have effect:

(1.) A licence under this Act may be granted—

(*a.*) If the licensee carries on business in a municipal borough, by the council of the borough;

(*b.*) If the licensee carries on business in any other place, by the justices of the peace in quarter session assembled for the district in which that place is situate.

(2.) In a place not being a municipal borough the proceeds of fees under this Act shall be paid to the treasurer of the county in which the place is situate, and shall be applied by him in aid of the county rates.

Meaning of pistol.

13. For the purposes of this Act every firearm not exceeding fifteen inches in length shall be deemed to be a pistol, and a toy pistol is one in which no communication between the nipple or cartridge and the barrel can be made.

Commencement of Act.

14. This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-six.*

Short title.

15. This Act may be cited as the Pistols Act, 1895.

Pistols.

A

B I L L

To regulate the Sale and Use of Pistols.

(*Prepared and brought in by Marquess of Carmarthen, Mr. James Lowther, Mr. Paulton, Mr. Joseph A. Pease, and Mr. Wharton.*)

Ordered, by The House of Commons, *to be Printed*, 8 *February* 1895.

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[Bill 4.]

Pistols Bill.

[AS AMENDED BY THE STANDING COMMITTEE ON LAW.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Restrictions on sale and purchase of pistols.
2. Licence to sell pistols.
3. Pistols not to be carried by persons under eighteen.
4. Prohibition of carrying loaded pistol in place of public resort.
5. Saving for wholesale traders and for sale of antique pistols.
6. Recovery of penalties.
7. Evidence of accused.
8. Application to Scotland.
9. Application to Ireland.
10. Meaning of pistol.
11. Commencement of Act.
12. Short title.

A

B I L L

[AS AMENDED BY THE STANDING COMMITTEE ON LAW]

TO

Regulate the Sale and Use of Pistols. A.D. 1895.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Restrictions on sale and purchase of pistols.

1.—(1.) A pistol may not be sold except by a person licensed under this Act to sell pistols.

(2.) A person may not sell a pistol unless the pistol has legibly and permanently marked thereon the name of the maker or seller of the pistol, and some consecutive number of a series by which the pistol can be identified.

(3.) A pistol may not be sold to or bought by any person unless he is licensed to sell pistols or produces on the occasion of the sale either—

(*a*) a licence or certificate authorising him either to use or carry a gun or to kill game; or

(*b*) a statement signed by him that he is an officer in the naval, military, yeomanry, or volunteer service of Her Majesty; or

(*c*) a certificate from the Board of Trade, showing that he is qualified as a master or mate, or engineer, in the merchant service; or

(*d*) a statement signed by him that he is ordered abroad on the public service, and is about to leave the United Kingdom for that purpose within one calendar month from the date of the purchase; or

(*e*) a statement signed by him that he is about to emigrate within one calendar month from the date of the purchase; or

(*f*) a licence signed by a justice of the peace and authorising the licensee for reasons mentioned in the licence to buy a pistol at any time during such period not exceeding three months as may be specified in the licence.

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(4.) A pistol, or ammunition suitable only for a pistol, may not be sold to a person apparently under the age of eighteen years, or bought by a person under that age.

(5.) On every sale of a pistol the seller must enter in a book kept by him the date of the sale, the name and address of the purchaser, and the name and number identifying the pistol, and must either cause this entry to be signed by the purchaser, or keep for production, if so required, an order signed by the purchaser.

(6.) Every seller of a pistol must retain the book so kept by him for a period of not less than five years from the date of the last entry therein, and must, while he retains the book, produce it for inspection by any officer of police or any officer of Inland Revenue on being so requested.

(7.) In the case of a buyer presenting a licence from a justice of the peace to purchase, the seller must endorse on the said licence the date of sale.

(8.) This section shall apply only in the case of the sale of a pistol by any person in the course of trade or business.

(9.) If any person—

(*a*) contravenes any of the foregoing provisions of this section; or

(*b*) on the sale of a pistol knowingly makes or causes to be made any false entry as to the date of the sale or the distinguishing mark on the pistol, or the name or address of the purchaser; or

(*c*) on the purchase of a pistol makes any false statement as to his name or address, or age; or as to any matter which he is required by this section to state; or

(*d*) wilfully alters, defaces, or obliterates any distinctive mark or trade mark on a pistol;

he shall be liable to a fine not exceeding five pounds, and the pistol may be forfeited if it be the property of the person offending.

(10.) For the purposes of this section a person on whose behalf any sale is made by an apprentice or servant shall be deemed to be the seller, but such a person shall not be liable under this Act if he proves that he had taken all reasonable means to prevent the commission of an offence against this section.

Licence to sell pistols.

2.—(1.) A licence to sell pistols may be granted to any gunsmith, ironmonger, auctioneer, marine store dealer, or pawnbroker—

(*a*) if the licensee carries on business in a city or borough, by the council of the city or borough; and

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(*b*) if the licensee carries on business in any other place, by the county council for the county in which that place is situate.

(2.) The licence shall be in a form prescribed by the Commissioners of Inland Revenue, and shall expire at the end of the calendar year in which it is granted.

(3.) A fee not exceeding ten shillings shall be charged by the authority granting the licence, and the proceeds of such fees shall go to the borough or county fund, as the case may be.

Pistols not to be carried by persons under eighteen. 33 & 34 Vict. c. 57.

3.—(1.) A person under the age of eighteen years shall not use or carry a pistol unless he possesses a licence signed by a justice of the peace authorising him so to do, or unless he be in the employment of any person making or manufacturing pistols, or having authority to sell or carry pistols under this Act, and is carrying the pistols or pistol in the performance of his duty, or unless he is in the naval, military, yeomanry, or volunteer service of Her Majesty, and is carrying the pistol in the performance of his duty or when engaged in target practice.

(2.) If any person contravenes this section, he shall, without prejudice to any liability under the Gun Licence Act, 1870, be liable to a fine not exceeding ten shillings for the first offence, and not exceeding five pounds for every subsequent offence, and the pistol may be forfeited.

Prohibition of carrying loaded pistol in place of public resort.

4.—(1.) A person shall not carry a loaded pistol in any highway or other public place, whether a thoroughfare or not, without the permission in writing of a justice of the peace, and the permission shall state the reasons for which it is granted and the period during which it is to be in force.

(2.) Provided that this section shall not apply to any person in the naval, military, yeomanry, or volunteer service of Her Majesty, or in the constabulary or other police force, or special constable or watchman employed by night in the protection of works or valuable property, carrying any pistol in the performance of his duty, or when engaged in target practice, or to any person in charge of Her Majesty's mails and authorised by the Postmaster-General to carry a pistol.

(3.) If any person contravenes this section he shall be liable to a fine not exceeding five pounds.

Saving for wholesale traders and for sale of antique pistols.

5. This Act shall not apply to—

(1.) the sale of pistols by wholesale dealers—

(*a*) for exportation; or

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(*b*) in the ordinary course of wholesale dealing with persons licensed under this Act to sell pistols; or

(2.) the sale of a pistol by its owner to a person licensed under this Act to sell pistols; or

(3.) the sale of any pistol as a curiosity or as an ornament, or of any toy pistol.

Recovery of penalties.

6. Any fine or forfeiture imposed under the foregoing provisions of this Act may be either sued for and applied in the manner prescribed for the recovery and application of excise penalties or recovered and enforced on information of an officer of police before a court of summary jurisdiction, and any other punishment imposed under this Act may be imposed on summary conviction.

Evidence of accused.

7. In any proceeding against any person in respect of any offence, or in respect of any fine or forfeiture under this Act, such person shall be competent but not compellable to give evidence, and the wife or husband of such person may be required to attend to give evidence as an ordinary witness in the case, and shall be competent but not compellable to give evidence.

Application to Scotland.

8. In the application of this Act to Scotland the expression "court of summary jurisdiction" shall mean the sheriff or any magistrate or magistrates, by whatever name called, having jurisdiction or authorised to act under the Summary Jurisdiction (Scotland) Acts, and "borough" shall mean a royal, parliamentary, or police burgh, and council of a city or borough, the town council, or police commissioners.

Application to Ireland.

9. In the application of this Act to Ireland the expression "police" shall include the Royal Irish Constabulary, and the following provisions shall have effect:

(1.) A licence under this Act may be granted—

(*a*.) If the licensee carries on business in a municipal borough, by the council of the borough;

(*b*) If the licensee carries on business in any other place, by the justices of the peace in quarter session assembled for the district in which that place is situate.

(2.) In a place not being a municipal borough the proceeds of fees under this Act shall be paid to the treasurer of the county in which the place is situate, and shall be applied by him in aid of the county rates.

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10. For the purposes of this Act every firearm not exceeding fifteen inches in length, from which any shot, bullet, or other missile can be discharged, shall be deemed to be a pistol. Meaning of pistol.

11. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-six. Commencement of Act.

12. This Act may be cited as the Pistols Act, 1895. Short title.

Pistols.

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B I L L

[AS AMENDED BY THE STANDING COMMITTEE ON LAW]

To regulate the Sale and Use of Pistols.

(*Prepared and brought in by Marquess of Carmarthen, Mr. James Lowther, Mr. Paulton, Mr. Joseph A. Pease, and Mr. Wharton.*)

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[Bill 172.]

Plumbers Registration Bill.

MEMORANDUM.

THE chief object of this Bill is to afford additional safeguards to the public health by enabling persons employing plumbers to select, when they desire to do so, persons who have given evidence of their qualification for plumber's work.

There has been for several years a system of registration of plumbers established in the chief centres of Great Britain and Ireland, and by the Bill it is proposed to place this system upon a broader and more permanent basis.

The arrangements as to the examinations for registration will be placed under the jurisdiction of a General Council, representing the master and operative plumbers, the Plumbers Company, and the chief educational and sanitary bodies of the United Kingdom, with branch councils in Scotland, Ireland, and Wales. It is proposed also to give the Council power to promote technical education among plumbers, and to exercise discipline among those whose names are enrolled upon the register.

The Bill does not contemplate any monopoly, and it does not interfere in any way with the rights of non-registered plumbers. It prohibits, however, such plumbers from representing themselves to be registered.

See the Report from the Select Committee on the Plumbers Registration Bill; together with the proceedings of the Committee, minutes of evidence, appendix, and index; ordered, by the House of Commons, to be printed, 8th April 1892.

This Bill is the Bill as amended by that Committee, and read a second time in 1893.

Plumbers Registration Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. Interpretation.
4. General Council.
5. Branches of council for Scotland, Ireland, and Wales.
6. Plumbers who are members of General Council to be registered.
7. Resignation or death of members of General Council.
8. Time and place of first and subsequent meetings of General Council.
9. Power of General Council to make byelaws or orders.
10. Examination and registration of plumbers to devolve upon the Company.
11. Certain plumbers to become freemen.
12. Appointment of registrars by branch councils.
13. Application and investment of fees, &c.
14. Accounts to be published.
15. Registers to be published.
16. Removal of names from register.
17. Restoration of names to register.
18. Procedure of General Council in removing or restoring names in register.
19. Persons qualified to be registered. Qualifying examination.
20. Penalty for impersonating registered plumber.
21. Penalty on wilful falsification of register.
22. Penalty for obtaining registration by false representations.
23. Recovery of penalties.
24. Application of penalties.
25. Registrars of death to give notice.

SCHEDULES.

A

B I L L

FOR

The National Registration of Plumbers.

A.D. 1895.

WHEREAS it is expedient for the due protection of the public against the serious diseases and dangers to health which arise from pollution of the water and air in dwelling-houses and other buildings, through defects in the design and construction of the works commonly known as plumber's works, that persons employing plumbers should be enabled to distinguish between qualified and unqualified plumbers, and that the qualification and practice of plumbers should be regulated:

And whereas the Master, Wardens, and Commonalty of the Freemen of the Ancient Guild of Plumbers of the City of London (commonly known as the Worshipful Company of Plumbers), acting in conjunction with a large number of persons elected in public meetings as district councils to represent the Master and Operative Plumbers, and the public of the chief cities and towns of Great Britain and Ireland have, in conformity with the resolutions of the Congress of Metropolitan and Provincial Plumbers held in London in 1884, established schools, workshops, and other facilities for the technical and scientific instruction and examination of persons following the art of plumbing, and have made and maintained a register of qualified persons

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may for all purposes be cited as the Plumbers Act, 1895.

Commencement of Act.

2. This Act shall commence and take effect from the *first day of January one thousand eight hundred and ninety-six*, herein-after referred to as the commencement of this Act.

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Interpretation.

3. In this Act—

"the Company" means the Master, Wardens, and Commonalty of the Freemen of the Ancient Guild of Plumbers of the City of London incorporated by charter, &c.;

"Plumbers' district council" means a council constituted prior to the commencement of this Act, in accordance with the rules and regulations of the Company, or constituted after the commencement of this Act in accordance with the byelaws or orders of the General Council;

"sanitary plumbing" means the art of plumbing as commonly understood, and the knowledge of sanitary appliances and their proper construction and adjustment.

General Council.

4.—(1.) A council which shall be styled the "General Council of Plumbers Education and Registration," herein-after referred to as "the General Council," shall be established, and branch councils for Scotland, Ireland, and Wales respectively formed thereout as herein-after provided.

The General Council shall consist of the following members (that is to say):

For England—

Six master plumbers, six operative plumbers, and six persons being members of a sanitary authority within the meaning of the Public Health Act, 1875, and the Public Health (London) Act, 1891, or medical officers of health, inspectors of nuisances, or sanitary inspectors;

For Scotland—

Two master plumbers, two operative plumbers, and two persons being members of a local authority within the meaning of the Public Health (Scotland) Act, 1867, or medical officers of health or sanitary inspectors;

For Ireland—

Two master plumbers, two operative plumbers, and two persons being members of a local authority within the meaning of the Public Health (Ireland) Act, 1878, or medical officers of health or sanitary inspectors;

For Wales—

Two master plumbers, two operative plumbers, and two persons being members of a local authority within the meaning of the Public Health Act, 1875, or medical officers of health, or sanitary inspectors;

to be elected by the majority of the members present at meetings to be held and convened as herein provided of the Plumbers' district councils for the time being in England, Scotland, Ireland, and

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Wales respectively (including the Plumbers' district councils representing the cities, towns, and districts enumerated in Schedule A. of this Act), such meetings to be held before the *first day of January one thousand eight hundred and ninety-six*, and to be convened by the Company by a notice to be published in newspapers circulating in the respective cities, towns, or districts where the meetings are to be held: Provided always, that not more than two persons resident in the same city, town, or district shall be eligible under this subsection.

(2.) The Master and Wardens for the time being and two members of the court of the Company.

(3.) The president or other elected member of the United Operative Plumbers Association of Great Britain and Ireland.

(4.) And such number of persons not exceeding thirty-six as may be elected by above enumerated members of the General Council from the nominees of the bodies named in Schedule B. of this Act or other bodies having kindred objects.

Branches of council for Scotland, Ireland, and Wales.

5. The members elected by the Plumbers' district councils of the cities, towns, and districts situate in Scotland, Ireland, and Wales respectively, and such other members of the General Council, not exceeding six, as may be from time to time appointed by the General Council to such branch council, shall be the branch councils for such parts of the United Kingdom, and shall have delegated to them such of the powers and duties vested in the General Council as that council may see fit. The president for the time being of the General Council shall be an ex-officio member of all branch councils.

Plumbers who are members of General Council to be registered.

6. The master plumbers and operative plumbers who are members of the General Council must be qualified to be registered at the commencement of this Act, and must register themselves as soon as possible after the appointment of registrars under this Act.

Resignation or death of members of General Council.

7. The members of the General Council shall be chosen, nominated, and elected for a term not exceeding *three years*, and shall be eligible for re-appointment, and any member may at any time resign his appointment by letter addressed to the president of the said council, and upon the death or resignation of any member of the said council appointed by any of the bodies herein-before named, including Plumbers' district councils for the time being, some other person shall be appointed by such body a member of the said council in his place as in this Act provided, and notwithstanding any such vacancy the General Council may exercise all or any of the powers conferred upon them by this Act.

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Time and place of first and subsequent meetings of General Council.

8. The General Council shall hold their first meeting within *three months* from the commencement of this Act, in such place and at such time as the Company shall appoint, and shall elect a president out of their own number for a term not exceeding *three years*, and make such rules and regulations as to the times and places of the meetings of the General Council, and the mode of summoning the same as shall seem to them expedient, which rules and regulations shall remain in force until altered at any subsequent meeting, and in the absence of any rules or regulations as to the summoning a meeting of the General Council it shall be lawful for the president to summon a meeting at such time and place as shall seem to him expedient by letter addressed to each member, and at every meeting in the absence of the president some other member to be chosen from the members present shall act as president, and all acts of the General Council shall be decided by the votes of the majority of the members present at any meeting, the whole number present being not less than one fourth of the total number of the members of the General Council for the time being, and at all such meetings the president for the time being shall, in addition to his vote as member of the General Council, have a casting vote in case of an equality of votes.

Power of General Council to make byelaws or orders.

9. The General Council shall with all convenient speed after the commencement of this Act, and from time to time as occasion may require, make byelaws for the regulation of their own procedure, and also byelaws for directing, instituting, and regulating—

(1.) The election of the successors from time to time of the members of the General Council to be appointed as hereinbefore provided.

(2.) The constitution and functions of Plumbers' district councils.

(3.) The filling up of any vacancies in its own body.

(4.) The examinations to qualify persons to obtain registration under this Act, and other examinations and courses of study and practice calculated to promote the advance of sanitary plumbing.

(5.) The registers to be kept under this Act and the duties of registrars in respect thereof.

(6.) The fees payable by persons registered under this Act.

(7.) The fees, if any, to be paid to members for attendance and travelling expenses.

All such byelaws to be subject to the approval of the Local Government Board: Provided that if, at the expiration of *one month* from the submission of a byelaw by the General Council to

the Local Government Board, the Local Government Board has not signified an intention to refuse to confirm the said byelaw it shall be valid and of the same force and effect as if it had been confirmed by the Local Government Board.

Examination and registration of plumbers to devolve upon the Company.

10. The Company shall be the body upon whom shall devolve, subject to the orders and supervision of the General Council, the examination and registration of plumbers in the United Kingdom, and generally subject as aforesaid the carrying out of the objects of this Act.

Certain plumbers to become freemen.

11. All plumbers passing in the honours grade such qualifying or other examinations as may be from time to time fixed by the General Council shall be admitted without the payment of any fee or charge freemen of the Company.

Appointment of registrars by branch councils

12. The branch councils for Scotland, Ireland, and Wales shall respectively appoint a registrar, and the person so appointed shall also act as secretary to the branch council, and may also act as treasurer unless such council shall appoint some other person or persons as treasurer or treasurers. The clerk for the time being of the Company shall be the registrar for England and secretary to the General Council. The General Council and the branch councils may also appoint as many clerks and servants as shall be necessary for the purposes of this Act, and every person so appointed by any council shall be removable at the pleasure of that council and shall be paid such salary as the council appointing him shall think fit.

Application and investment of fees, &c.

13. All moneys arising from fees payable on registration or the annual renewal fees or from the sale of copies of the register or otherwise to the General Council or to the branch councils under this Act shall be paid to the Company as treasurers for the General Council and shall be applied in accordance with such regulations as may be from time to time made by the General Council in defraying the expenses of registration and other expenses of the execution of this Act, and subject thereto towards the support of laboratories, museums, libraries, or lectureships, or for public purposes connected with the art of sanitary plumbing or towards the promotion of learning and education in connexion therewith and further:—

(1.) The General Council may allocate such sum or sums of money as shall be proved to their satisfaction to have been expended by the Company in promoting this Act or advanced by the Company by way of loan to any of the Plumbers' district councils which sum or sums are in the opinion of the General

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Council reasonable, and may order the same to be paid over to the Company, provided always that nothing in this Act shall be construed to imply any obligation upon the Company to make any payments by which their own corporate funds may become chargeable under this Act.

(2.) The General Council shall have power to invest any sum or sums not so expended in such stocks, funds, or securities as are by law authorised for the investment of trust moneys in the name of any three of their number appointed from time to time as trustees, and any income derived from such investment shall be added to and considered as part of the ordinary income of the General Council.

(3.) The General Council may also use surplus funds for the rental or purchase of lands or buildings to serve as offices, examination halls, libraries, workshops, or technical schools, or for any other purpose connected with the teaching and practice of sanitary plumbing or other objects of this Act.

Accounts to be published.

14. The treasurers of the general and branch councils respectively shall enter in books to be kept for the purpose a true account of all sums of money by them received and paid under this Act, and such accounts shall be audited and submitted by them to the General Council and branch councils respectively at such times as the said councils may respectively require. Such accounts shall be published annually and shall be laid before both Houses of Parliament in the *month of July* in each year if Parliament be then sitting, or if Parliament be not sitting then within *one month* after the commencement of the sitting of Parliament next after the publication of the said accounts.

Registers to be published.

15. The Company shall in every year cause to be printed, published, and sold under the direction of the General Council a correct register of the names in alphabetical order according to the surnames with the respective residences of all the plumbers appearing on the general register as existing on the *first day of January* in every year, and such register shall be called "the Plumbers' Register," and a copy of such register for the time being purporting to be so printed and published as aforesaid shall be evidence in all courts, and before all justices of the peace and others, that the persons therein specified are registered under the provisions of this Act; provided always that in case of any person whose name does not appear in such printed copy a certified copy under the hand of the clerk of the Company or the registrar of any branch council of the entry of the name of such person in the

general or branch register shall be evidence that such person is registered under this Act. A.D. 1895.

Removal of names from register.

16. The General Council may direct that a name be removed from the register in either of the following cases:—

At the request of the person registered; or

Where a name has been incorrectly entered; or

Where a name has been fraudulently entered; or

Where a person registered has *after the passing of this Act* been convicted either within Her Majesty's dominions or elsewhere of an offence which, if committed in England, would be misdemeanor or higher offence; or

Where a person registered is shown to have been guilty of doing anything which, in the opinion of the General Council, is injurious to the public health.

Restoration of names to register.

17. Where the General Council have removed the name of any person from the register, the name of such person shall not be again entered in the register, except by resolution of the General Council, or by an order of a court of competent jurisdiction: Provided that the name of any person removed from the register at the request or with the consent of such person shall, unless such name might under the powers of the last preceding section have been penally removed by the General Council, be restored to the register on payment of such fee not exceeding the original registration fee as the General Council may from time to time fix.

Procedure of General Council in removing or restoring names in register.

18.—(1.) The General Council shall, for the purpose of exercising in any case the power of removing names from or restoring names to the register, ascertain the facts of the case by a committee of the council, and such committee, after hearing the person concerned, if he so desires, shall report the facts of the case to the General Council who shall form their own judgment thereof independently of any opinion of the committee.

(2.) If in any case the General Council determine to remove the name of any person from the register, or not to restore thereto the name of any person, the council shall if required by such person state in writing the reason for their determination, and he may appeal to the Local Government Board in England and Wales, the Local Government Board in Ireland, or the Board of Supervision in Scotland, as the case may be, and such Board after communication with the General Council and the appellant may either dismiss the appeal or order that the council shall not remove the name of the appellant, or shall restore his name as the case may require.

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Such Board shall have power to make such regulations as they may think fit regarding the costs of appeals which shall be paid by the appellant or the General Council as such Board may award.

Persons qualified to be registered.

19. From and after the commencement of this Act the following persons shall be entitled to be registered under the provisions hereof:—

(1.) All persons whose names appear upon the register of plumbers kept by the Company at the commencement of this Act; and

(2.) All such persons who have been engaged in business as plumbers prior to the *first day of March one thousand eight hundred and eighty-six* as shall be entitled to be registered without examination under rules to be framed by the General Council; and

Qualifying examination.

(3.) All persons who shall have passed an examination held for the purpose of conferring the right to be registered under this Act by the Company or by any of the bodies to whom the General Council may by order, depute the right of conducting such examination, and who shall have paid such reasonable fees to the General Council as that council may by its byelaws or orders direct.

Penalty for impersonating registered plumber.

20. If after the commencement of this Act any person not registered under this Act shall take or shall use any name, title, addition, or description by means of initials or letters placed after his name, or otherwise state or imply that he is registered under this Act, he shall be liable to a penalty not exceeding *twenty pounds.*

Penalty on wilful falsification of register.

21. Any registrar who shall wilfully make any falsification in any matters relating to general or local registers directed to be kept under this Act, shall be deemed guilty of a misdemeanor in England or Ireland and in Scotland of an offence or crime punishable by fine or imprisonment, and shall, on conviction, be imprisoned for any term not exceeding *twelve months.*

Penalty for obtaining registration by false representations.

22. If any person shall wilfully procure or attempt to procure himself to be registered under this Act, by making or producing any false or fraudulent representation or declaration, either verbally or in writing, every person so offending, and every person aiding and assisting him therein, shall be deemed guilty of a misdemeanor in England and Ireland and in Scotland of an offence or crime punishable by fine or imprisonment, and shall on conviction be imprisoned for any term not exceeding *twelve months.*

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Recovery of penalties.

23. Fines and imprisonment under this Act may be recovered and imposed summarily as follows :—

In England, in manner provided by the Summary Jurisdiction Acts.

In Scotland, before the sheriff or two justices in manner provided by the Summary Jurisdiction Acts.

In Ireland, within the police district of Dublin in manner directed by the Acts regulating the powers and duties of the justices or of the police of such district, and elsewhere in Ireland, before two or more justices in manner directed by the Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

Application of penalties.

24. All moneys received from the penalties shall be applied for the purposes of this Act.

Registrars of death to give notice.

25. Every registrar of deaths in the United Kingdom who receives notice of the death of any person registered under this Act shall forthwith transmit by post to the registrar of the General Council the certificate of such death, with particulars of the time and place of death, and on the receipt of such certificate the registrar for the General Council shall erase the name of such deceased person from the general register and shall transmit to the said Registrar of Deaths the costs of such certificate and transmission.

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SCHEDULES.

SCHEDULE A.

Cities, Towns, and Districts having Plumbers' District Councils.

England.

Bath.	Leicester.	Plymouth.
Birmingham.	Lincoln.	Preston.
Bradford.	Liverpool.	Scarborough.
Brighton.	Manchester.	Sheffield.
Bristol.	Middlesbrough.	Southampton.
Carlisle.	Newcastle-on-Tyne.	Stockton.
Darlington.	Nottingham.	Sunderland.
Hull.	Penzance.	West Hartlepool.
Leeds.		

Scotland.

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Dundee.		

Ireland.

Belfast.	Dublin.	Londonderry.
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Wales.

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A.D. 1895.

The General Medical Council;
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The Society of Medical Officers of Health;
The Society of Municipal and Sanitary Engineers and Surveyors;
The Sanitary Association of Inspectors;
The Sanitary Association of Scotland;
The Royal Institute of British Architects;
The Architectural Association of London;
The Royal Institute of Architects of Ireland;
The Institute of Civil Engineers;
The Institution of Civil Engineers of Ireland;
The Surveyors' Institute;
The City and Guilds of London Institute;
The Normal School of Science, London;
The Merchant Venturers' School, Bristol;
The Masons' College, Birmingham;
The Owens' College, Manchester;
The Manchester Technical School;
The Yorkshire College, Leeds;
The Leeds Mechanics' Institute;
The University College, Liverpool;
The Firth College, Sheffield;
The Sheffield Technical Institute;
The Bradford Technical Institute;
The Royal College of Science for Ireland, Dublin;
The Belfast Technical School;
The Crawford Science School, Cork;
The Durham College of Science, Newcastle-on-Tyne;
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The University College of North Wales;
The Glasgow and West of Scotland Technical College, Glasgow;
The Heriott Watt College, Edinburgh;
The Robert Gordon College, Aberdeen;
The University College, Dundee;
The Royal Academy, Inverness;
The Corporation of Dublin Technical School;

A.D. 1895.

The British Institute Public Health;
The Operative Plumbers Association of Scotland;
The Master Plumbers Association at Edinburgh and Leith;
The Operative Plumbers Association at Edinburgh and Leith;
The Master Plumbers Association at Glasgow;
The Operative Plumbers Association at Glasgow;
The Master Plumbers Association at Hull;
The Operative Plumbers Association at Hull;
The Master Plumbers Association at Sheffield;
The Operative Plumbers Association at Sheffield;
The Master Plumbers Association at Bradford;
The Operative Plumbers Association at Bradford;
The Bolton and District Master Plumbers Association;
The Bolton Operative Plumbers Association;
The National Association of Master Builders of Great Britain;
The Liverpool Master Builders Association;
The Sanitary Institute, London.

Plumbers Registration.

A

B I L L

For the National Registration of Plumbers.

(*Prepared and brought in by Mr. Knowles, Sir Algernon Borthwick, Earl Compton, Mr. Dixon, Dr. Farquharson, Mr. Bowen Rowlands, and Mr. Sexton.*)

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